

192  
**CLERK'S COPY**

**Volume XI**

**TRANSCRIPT OF RECORD**

---

**SUPREME COURT OF THE UNITED STATES**

**OCTOBER TERM, 1946**

---

**No. 38**

**NATIONAL LABOR RELATIONS BOARD, PETITIONER**

**vs.**

**DONNELLY GARMENT COMPANY, DONNELLY GAR-  
MENT WORKERS' UNION AND INTERNATIONAL  
LADIES' GARMENT WORKERS' UNION**

---

**No. 39**

**INTERNATIONAL LADIES' GARMENT WORKERS'  
UNION, PETITIONER**

**vs.**

**DONNELLY GARMENT COMPANY, DONNELLY GAR-  
MENT WORKERS' UNION AND NATIONAL LABOR  
RELATIONS BOARD**

---

**ON WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT  
COURT OF APPEALS FOR THE EIGHTH CIRCUIT**

---

**PETITIONS FOR CERTIORARI FILED JANUARY 29, 1946  
CERTIORARI GRANTED APRIL 22, 1946**

**VOLUME XI.  
RECORD.**

---

**United States Circuit Court of Appeals  
EIGHTH CIRCUIT.**

---

**No. 12,641**

---

**DONNELLY GARMENT COMPANY, A CORPORA-  
TION, PETITIONER,**

**vs.**

**NATIONAL LABOR RELATIONS BOARD,  
RESPONDENT.**

---

**DONNELLY GARMENT WORKERS' UNION,  
INTERVENER.**

**INTERNATIONAL LADIES' GARMENT WORKERS'  
UNION, INTERVENER.**

---

**ON PETITION FOR REVIEW OF ORDER OF NATIONAL LABOR  
RELATIONS BOARD.**

---

**FILED AUGUST 5, 1943.**

---

**Testimony and Exhibits in Case No. 12,641.**



**United States Circuit Court of Appeals**  
**EIGHTH CIRCUIT.**

**No. 12,641**

**DONNELLY GARMENT COMPANY, A CORPORATION, PETITIONER,**

**vs.**

**NATIONAL LABOR RELATIONS BOARD,  
RESPONDENT.**

**DONNELLY GARMENT WORKERS' UNION,  
INTERVENER.**

**INTERNATIONAL LADIES' GARMENT WORKERS'  
UNION, INTERVENER.**

**ON PETITION FOR REVIEW OF ORDER OF NATIONAL LABOR  
RELATIONS BOARD.**

**FILED AUGUST 5, 1943.**

**Index, Volume I.**

**INDEX TO CASE NO. 475, ORIGINAL**

	Original Print	
Transcript of Testimony and Proceedings before National Labor Relations Board taken from the Transcript of Record in Case No. 475, Original	1	1
Appearances of Counsel	1	1
Proceedings	3	2
Testimony for National Labor Relations Board	221	13
Rose Todd	221	13
Marjorie Green	484	97
Rose Todd, Resumed	535	111
Tabulation relating to Dues Collected between August, 1937 and May, 1939	1118	278

	Original	Print
May Fike.....	1242	296
Testimony for International Ladies' Garment Workers' Union.....	1261	302
Bertha Estes.....	1261	302
Further Testimony for National Labor Relations Board.....	1264	303
May Fike, Resumed.....	1264	303
Milton Slotkin.....	1435	334v
Ella Lou Greenhaw.....	1593	353

## Index, Volume II.

Pauline Hartman.....	1760	378g
Jack McConaughy.....	1802	378bb
Wave Tobin.....	1825	378gg
Thomas C. Bourke.....	1834	380
Stipulation.....	1848	384a
Testimony for Donnelly Garment Company.....	1892	390g
Mrs. Elizabeth Gates Reeves.....	1892	390g
George Keyes.....	2022	429
Lee Baty.....	2044	442
Ella Mae Hyde.....	2382	582
Hobart F. Atherton.....	2455	551
Nelly Stites.....	2605	610c
Lynn Davis.....	2675	640a
Mrs. Claris Martin.....	2693	649
Helen Walton.....	2729	661
Pearl Collins.....	2740	667
Pearl Atchison.....	2749	671
Pearl Fields.....	2762	674a
Ruby Lago.....	2775	678
Mildred Frances Strine.....	2777	678a
Further Testimony for Donnelly Garment Workers' Union.....	2817	690
Jack McConaughy.....	2817	690
Marjorie Green.....	2904	708
Mrs. Effie Weigand.....	2935	718f
Mrs. Mabel Riggs.....	2958	718q
Edward F. Swinney.....	2986	718u
Lyle Jeter.....	2991	718x
Mrs. Edith Koll.....	3004	718ff

## Index, Volume III.

Carl Crawford.....	3009	721
Raymond Smith.....	3019	724
Lee Baty.....	3027	728
Ella Mae Hyde.....	3037	729
Further Testimony for International Ladies' Garment Workers' Union.....	3053	732
Mrs. Martha Gray.....	3053	732
May Fike.....	3075	734c
Edna Lucas.....	3081	734e
Lulu Chambers.....	3087	734h
Clare Silvey.....	3094	734j
Board's Exhibits.....	3401	740

1-DDDD, Stipulation that Evidence before N. R. A. Regional Labor Board, Twelfth District, in Case No. 160 styled "International Ladies' Garment Workers' Union, Complainant, vs. Donnelly Garment Company, Respondent" may be offered in Evidence in instant case.	3401	740
1-III, Objections and Motion to Strike of Respondent to Offer of Proof filed by Board and Marked Board's Exhibit 30, and overruling thereof.	3418	742
1-NNNN, Offer of Respondent to Prove Allegation contained in Subdivision B of its Answer, and Refusal thereof.	3445	742d
1-OOOO, Offer of Respondent to produce and examine certain persons, and Refusal thereof.	3446	743
1-QQQQ, Offer of Proof by Respondent.	3469	763
1-RRRR, Offers of Proof by Intervener.	3471	764
Offer of Proof.	3471	764
Offer of Proof.	3482	783
Offer of Proof.	3484	784
Offer of Proof.	3487	789
Offer of Proof.	3490	792
1-UUUU, (First Part), Objections of Respondent to Board's Exhibit 1-TTTT and Board's Exhibit 30-A and Ruling thereon.	3508	797
1-UUUU, (Second Part), Objections of Respondent to Board's Exhibit 28, (Information taken from Payrolls).	3511	798a
1-UUUU, (Fourth Part), Objections of Respondent to "N. R. A.-J. M. C. Exhibit 17", and Ruling thereon.	3514	798b
2, Excerpts from N. D. A. A. News of February 13, 1935, entitled "The Staff" and "900 Join Loyalty League".	4362	798d
3, Membership Card of Marjorie Green agreeing to become Charter Member of The Donnelly Garment Workers' Union.	4365	798e
4, By-Laws of Donnelly Garment Workers' Union.	4366	798f
5, (also marked Plaintiffs' Exhibit 78) Affidavit of, Mary Hanback.	4369	800
Exhibit 1, Report of Conversation between Mrs. Fern Sigler, Mrs. Ella Mae Hyde, Mr. Lee Baty and Miss Rose Todd in Nurse's Office in Donnelly Garment Company's Plant.	4379	801
6, Agreement between Donnelly Garment Workers' Union and Donnelly Garment Company, et al., May 27, 1937.	4377	807
7, Supplemental Agreement to Agreement, Board's Exhibit 6, relating to rates of Pay, June 22, 1937.	4382	812
8, Minutes of Meetings of Donnelly Garment Workers' Union, Excerpts from.	4395	821
Minutes of April 27, 1937.	4395	821
Minutes of May 11, 1937.	4406	830
Minutes of May 13, 1937.	4413	836
Minutes of May 25, 1937.	4415	837
Minutes of May 28, 1937.	4418	840
Minutes of July 21, 1937.	4426	846
Minutes of November 18, 1937.	4435	853
Minutes of December 7, 1937.	4444	862
Minutes of January 4, 1938.	4456	865
Minutes of March 5, 1938.	4463	866
Minutes of April 5, 1938.	4469	871
Minutes of April 26, 1938.	4476	877

	Original	Print
Minutes of July 5, 1938	4494	882
Minutes of January 10, 1939	4532	887
Minutes of February 7, 1939	4539	890
Minutes of March 14, 1939	4542	893
Minutes of April 4, 1939	4547	899
Minutes of April 25, 1939	4555	905
9, Minutes of Meetings of Donnelly Garment Workers' Union, Excerpts from	4579	913
Minutes of May 6, 1937	4579	913
Minutes of May 18, 1937	4581	915
Minutes of May 20, 1937	4583	916
Minutes of May 27, 1937	4586	918
Minutes of May 27, 1937	4588	920
Minutes of May 27, 1937	4591	922
Minutes of June 3, 1937	4593	923
Minutes of June 15, 1937	4595	924
Minutes of June 17, 1937	4600	928
Minutes of June 18, 1937	4601	929
Minutes of July 14, 1937	4609	934
Minutes of October 1, 1937	4619	936
Minutes of November 5, 1937	4622	936
Minutes of November 16, 1937	4623	937
Minutes of December 15, 1937	4626	940
Minutes of March 4, 1938	4640	943
Minutes of May 3, 1938	4646	945
Minutes of July 5, 1938	4651	946
10, Extension of Agreement, Board's Exhibit 6	4695	947
13, Check, Nelly Don Loyalty League to Frank E. Tyler, \$500.00, April 1, 1937	4699	949
14, Pledge of Member of Nell Donnelly Loyalty League	4700	951
18, Minutes of Meeting of Donnelly Garment Workers' Union of May 25, 1937	4709	952
19, Promissory Note, Nelly Don Loyalty League to First National Bank, \$1,000.00, March 30, 1937	4719	959
20, Statement of Account of Nelly Don Loyalty League with First National Bank	4720	960
21-A, Check, Nelly Don Loyalty League to American Chair Rental Co., \$12.00, May 26, 1937	4721	961
21-B, Check, Nelly Don Loyalty League to Kansas City Chair Rental Co., \$24.24, May 4, 1937	4722	963
21-C, Check, Nelly Don Loyalty League to G-R Sound Service, \$15.00, May 4, 1937	4723	965
21-D, Check, Nelly Don Loyalty League to Midwest Merchandise Co., \$8.00, May 4, 1937	4724	967
21-E, Check, Nelly Don Loyalty League to The Green Co., \$35.63, May 4, 1937	4725	969
21-F, Check, Nelly Don Loyalty League to G-R Sound Service, \$15.00, June 21, 1937	4726	971
21-G, Check, Nelly Don Loyalty League to First National Bank, \$12.78, July 13, 1937	4727	973
21-H, Check, Nelly Don Loyalty League to The Green Co., \$33.50, July 13, 1937	4728	975
21-I, Check, Nelly Don Loyalty League to Jenkins Music Co., \$1.00, July 13, 1937	4729	977



	Original	Print
21-J, Check, Nelly Don Loyalty League to First National Bank, \$750.00, July 19, 1937.....	4730	979
21-K, Check, Nelly Don Loyalty League to The Green Co., \$50.00, April 9, 1937.....	4731	981
21-L, Check, Nelly Don Loyalty League to The Kansas City Chair Rental Co., \$25.61, April 9, 1937.....	4732	983
21-M, Check, Nelly Don Loyalty League to Flamor Amusements, Inc., \$242.40, April 9, 1937.....	4733	985
21-N, Check, Nelly Don Loyalty League to The Green Co., \$35.58, June 21, 1937.....	4734	987
21-O, Check, Nelly Don Loyalty League to Jenking Music Co., \$3.64, June 21, 1937.....	4735	989
22, Statement of Account of Loyalty League with First National Bank.....	4736	991
24, Tabulation from Note Book relating to Expenses.....	4737	993
23, Tabulation from Note Book entitled "Special Account".....	4740	995
25, Interest Memorandum from First National Bank to Nelly Don Loyalty League, March 20, 1939.....	4741	997
26, Memorandum relating to dates of holding Union Meetings.....	4742	999
28, Stipulation relating to Facts and Figures of Respondent's Timeworkers' Payroll Records.....	4744	1001
Pay Roll Record relating to Donnelly Garment Company.....	4745	1002
31, Tabulation relating to Increases, June 1, 1937.....	4857	1011
Respondent's Exhibits.....	4859	1015
1, Article from Kansas City Journal Post entitled, "Donnelly Worker will be sent to Union Convention".....	4859	1015
3, Application of Mae Fike (Dooley) for employment with Donnelly Garment Company.....	4861	1016a
4, Photograph showing interior view of Department in Donnelly Garment Company.....	4862	1017
6, Article entitled "Reopen a Garment Feud".....	4864	1019
7, Article from Kansas City Journal Post entitled "Dubinsky starts Union Drive in Kansas City Garment Plants".....	4865	1021
8, Letter, Kansas City Joint Board, International Ladies' Garment Workers' Union, to Donnelly Garment Company, March 9, 1937.....	4896	1022
10, Copy of "Justice" of June 1, 1937.....	4897	1025
11, Memorandums relating to Payroll increases for various Employees of Donnelly Garment Company.....	4898	1028a
Increases, January 5, 1937.....	4898	1028a
Increases, February 2, 1937.....	4899	1028a
Increases, March 1, 1937.....	4900	1028a
Increases, March 2, 1937.....	4903	1028c
Increases, March 16, 1937.....	4904	1028c
Increases, April 9, 1937.....	4905	1028d
Increases, April 28, 1937.....	4906	1028d
Increases, June 1, 1937.....	4907	1028d
Increases, June 24, 1937.....	4909	1028f
Increases, July 12, 1937.....	4910	1028f
Increases, July 22, 1937.....	4911	1028f
Increases, September 14, 1937.....	4912	1028f
Increases, October 16, 1937.....	4913	1028g
Increases, November 1, 1937.....	4914	1028g
Increases, December 1, 1937.....	4915	1028g

	Original Print	
Increases, January 1, 1938.....	4916	1028g
Increases, January 3, 1938.....	4917	1028g
Increases, January 14, 1938.....	4918	1028g
Increases, January 31, 1938.....	4919	1028g
Increases, February 2, 1938.....	4920	1028g
Increases, March 3, 1938.....	4921	1028g
Increases, March 7, 1938.....	4922	1028i
Increases, September 1, 1938.....	4923	1028i
Increases, October 1, 1938.....	4924	1028i
Increases, November 29, 1938.....	4925	1028i
Increases, December 14, 1938.....	4926	1028j
Increases, January 12, 1939.....	4927	1028j
Increases, March 15, 1939.....	4928	1028j
12, Statement of Mr. Reed.....	4929	1029
14, Letter, P. T. Bohan to National Labor Relations Board, July 13, 1939.....	4934	1031
Intervener's Exhibits.....	4937	1032
2, Form of Authority for deduction from pay checks for Donnelly Garment Workers' Union.....	4937	1032
19, Withdrawal of Dewey Atchison from Donnelly Garment Workers' Union.....	5030	1032
N. R. A.-J. M. C. Exhibits.....	5031	1032
1, Extracts from Testimony.....	5031	1032
Mrs. Ellen Fry.....	5031	1032
Mrs. Thelma Owen.....	5042	1042
Glynn Brooks.....	5046	1046
Mamie Tubbesing.....	5052	1051
Mrs. Elizabeth Gates Reeves.....	5057	1055
Lillian Wales.....	5062	1061
Frances Riedel.....	5066	1065
Mrs. Pauline Lutz.....	5073	1072
Mrs. Virginia Stroup.....	5076	1077
Dewey Atchison.....	5087	1090
Mrs. Gladys Ellidge Richardson.....	5093	1098
R. L. Blume.....	5097	1102
Mrs. Lillian White.....	5101	1102
Mrs. Bessie Neimoyer.....	5106	1106
Ella Mae Guerrant Hyde.....	5108	1107
Mrs. James A. Reed.....	5110	1109
2, Objection and Motion to strike of Respondent and Inter- vener to "N. R. A." Testimony offered by the Board, and Ruling Thereon.....	5111	1110a
3, Testimony before N. R. A. Labor Board, etc.....	5115	1111
Mrs. James A. Reed.....	5115	1111

#### Index, Volume IV.

Elizabeth Gates Reeves.....	5132	1113
Dewey Atchison.....	5176	1122
Mrs. Bessie Neimoyer.....	5181	1126b
Marie Patton.....	5182	1126c
Mrs. Lillian White.....	5184	1126e
Mrs. Lena Allison.....	5194	1126p
Lillian Wales.....	5200	1126u

	Original Price	
Frances Riedel	5209	1130e
Thelma Owen	5217	1138
Mrs. Virginia Stroup	5238	1146f
Mrs. Gladys Elledge Richardson	5243	1151
Mrs. Lou Perkins	5248	1156
Mrs. Reeves	5250	1156b
Letter, International Ladies' Garment Workers' Union to Donnelly Garment Co., March 9, 1937	5270	1179
Booklet of International Ladies' Garment Workers' Union to the Public entitled "We do not patronize the 'Nelly Don' Dress"	5272	1183
Letter, International Ladies' Garment Workers' Union to Donnelly Garment Co., March 9, 1937	5274	1187
Booklet of International Ladies' Garment Workers' Union to the Public entitled "We do not patronize the 'Nelly Don' Dress"	5276	1191
Nell Quinlan Reed	5278	1195
Wave Tobin	5281	1198
Elfie Ball	5299	1219
Raymond Smith	5304	1223
Lyle Jeters	5307	1227
Ruby Rickett	5311	1230
George Cauthen	5316	1236
Plaintiffs' Exhibits 59 to 76, Photographs showing views during strike at Gordon Brothers, Gernes, and Missouri Garment Company	5320	1241
Ellen Fry (Cross-Examination)	5338	1276a
Gordon I. Gordon	5353	1277
Mrs. Inez Warren	5363	1288
Mrs. Pauline Shartzler	5366	1291
Mrs. Mary Sprofera	5369	1294
Velma Dowdy	5389	1300
Exhibit I, Photograph showing view during strike	5394	1305
5, Extracts from Testimony for Defendants	5396	1307
David Dubinsky	5396	1307
Defendants' Exhibit A-36, Letter, Marion Burns, President, Women's Trade Union League, to David Dubinsky, International Secretary, International Ladies' Garment Workers' Union, June 21, 1933	5397	1307
Meyer Perlstein	5399	1310
Defendants' Exhibits	5403	1314
C, Letter, International Ladies' Garment Workers' Union, et al., to Donnelly Garment Company, January 25, 1935	5403	1314
A-28, Complaint filed with National Labor Relations Board in the Case of International Ladies' Garment Workers' Union, et al. vs Donnelly Garment Com- pany	5406	1317
I, Letter, International Ladies' Garment Workers' Union, et al., to Donnelly Garment Company, July 23, 1935	5408	1319
Thelma Owen	5410	1320
Lillian Wales	5412	1322
Frances Riedel	5419	1328

6, Objection and Motion to strike of Respondent and Intervener to the Testimony of David Dubinsky, et al., offered by the Board from the "Judge Miller Case" and Ruling Thereon	5429	1336
8, Intervener's Offer of Evidence from Record on Injunction Suit before Judge Miller	5433	1336b
Exhibit (a), Testimony of Fred B. Brown	5435	1336d
Exhibit (b), Testimony of Mrs. Effie Weigand	5449	1336q
Exhibit (c), Testimony of Mrs. Eleanor Swigart	5454	1336w
Exhibit (d), Testimony of Mrs. Maud Fisher	5457	1336bb
Exhibit (e), Testimony of Mrs. Velma Woolley	5460	1336ff
Exhibit (f), Testimony of Walter Higgins	5464	1336jj
Exhibit (g), Testimony of Ora Wachtel	5474	1336uu
Exhibit (h), Testimony of Anna Reece	5482	1336ddd
Exhibit (i), Testimony of Harold Boyd	5489	1336kkk
Exhibit (j), Testimony of Emily F. Miles	5493	1336ppp
Exhibit (k), Testimony of Eunice Corum	5496	1336qqq
Exhibit (l), Testimony of Alma Murphy	5499	1336vvv
Exhibit (m), Testimony of Cameron Herold	5501	1336xxx
9, Extracts from Testimony for Defendants	5506	1336dddd
Sylvia Hull	5508	1336dddd

## Index, Volume V.

13, Extracts from Testimony for Interveners	5537	1362a
Gertrude Gassert	5537	1362a
Marjory Green	5538	1362c
Mrs. Lynn Davis	5541	1364a
Ora Wachtel	5543	1364b
Mrs. Velma Woolley	5545	1364d
Jack McConaughy	5546	1364d
Fred D. Brown	5548	1364f
Hobart Atherton	5550	1364g
Mabel Riggs	5552	1365
14, Objection of Respondent to Testimony of Gertrude Gassert, et al., offered by the Board from the "Judge Miller Testimony"	5555	1368
17, Extracts from Testimony	5559	1368a
Tillie Shirley (N. R. A. Hearing)	5559	1368a
Lillian Rutherford (N. R. A. Hearing)	5562	1370
Mrs. Reeves (N. R. A. Hearing)	5565	1373
Lou Perkins (N. R. A. Hearing)	5566	1373
Rose Todd (Judge Miller Testimony)	5569	1374
Mrs. Reeves (Judge Miller Testimony)	5571	1374f
Clif Langsdale (Judge Miller Testimony)	5579	1376
Respondent's Offer of Evidence in Sur-rebuttal, from Record in Judge Miller Case	5584	1384
Plaintiff's Exhibit 112, Evidence in Sur-rebuttal from Record in Judge Miller case	5585	1385
3, Extracts from Testimony for Plaintiffs	5616	1409
Marguerite Keyes	5616	1409
Statements relating to Average Earnings of Employees of Donnelly Garment Company	5619	1410a



	Original Print
From Week ending October 30, 1936, to October 22, 1937.....	5619 1410a
From Week ending October 29, 1937, to October 21, 1938.....	5642 1410r
Flora Ruden.....	5677 1411
Plaintiffs' Exhibit 78, Page from Commercial Appeal of Memphis, Tennessee, of March 9, 1937, showing photograph taken during strike, etc.....	5683 1417
Plaintiffs' Exhibit 80, Page from Press-Scimitar of Memphis, Tennessee, of March 9, 1937, showing photograph taken during strike, etc.....	5684 1419
Plaintiffs' Exhibit 79, Page from Press-Scimitar of Memphis, Tennessee, of March 9, 1937, showing photographs taken during strike, etc.....	5685 1421
Nelly Stites.....	5686 1423
John B. Bachofer.....	5690 1428
Meyer Perlstein.....	5765 1457
Article appearing in Newspaper entitled "Donnelly Worker will be sent to Union Convention".....	5818 1513
Article appearing in "Justice" of October 15, 1937, entitled "Through Missouri across to Baltimore".....	5819 1515
Article appearing in "Justice" of June 15, 1937.....	5820 1517
Article appearing in "Justice" of May 1, 1937.....	5821 1519
Article appearing in "Justice" of March 15, 1937, entitled "Movement begun to organize Nell Donnelly firm in Kansas City".....	5822 1521
Article appearing in "Justice" of April 1, 1937, entitled "Drive in Southwest Sweeps on".....	5823 1523
Article appearing in Kansas City Star of June 25, 1937, entitled "A move on Donnelly's".....	5824 1525
Photograph of Meyer Perlstein appearing in "The Dallas Journal" of October 1, 1935.....	5826 1527
James J. Milligan, Affidavit of.....	5829 1529
Mr. Dubinsky (Gross Examination).....	5832 1533
Affidavit of John W. Henderson.....	5850 1449
Associated Press Report entitled "Garment Workers' Drive".....	5850 1549
Sylvia Hull.....	5851 1551
Article appearing in Newspaper entitled "Donnelly Worker will be sent to Union Convention".....	5881 1581
W. B. Rosenfield.....	5881-A 1583
Robert J. Ingraham.....	5891 1593
Plaintiffs' Exhibits.....	5896 1600
113, Letter, James A. Reed and others to Paul F. Broderick, Acting Regional Director, National Labor Relations Board, and others, February 4, 1939.....	5896 1600
115, Letter, Clif Langsdale and Jerome Walsh to William S. Hogsett, February 4, 1939.....	5902 1606
116, Letter, Reed & Ingraham and William S. Hogsett to Clif Langsdale and Jerome Walsh, February 17, 1939.....	5904 1608
117, Letter, Clif Langsdale to Reed & Ingraham and William S. Hogsett, February 18, 1939.....	5908 1612

	Original Print	
118, Letter, Frank P. Walsh to Donnelly Garment Company, March 29, 1929.....	5910	1613
120, Letter to Frank P. Walsh and Jerome Walsh, April 3, 1939.....	5911	1614
Findings of Fact in Case No. 2924.....	5914	1616a
Conclusions of Law in Case No. 2924.....	5924	1616h
Judgment in Case No. 2924.....	5927	1616k
Exemplification Certificates to Findings of Fact, Conclusions of Law and Judgment.....	5935	1616p
Stipulation relating to Testimony of Lillian Rutherford.....	5937	1616r
Lillian Rutherford.....	5938	1617
International Ladies' Garment Workers' Union Exhibits.....	5942	1620
2, Notice that employees of Donnelly Garment Company associate themselves under name of "Nelly Don Loyalty League".....	5942	1620
4, Tabulation relating to Donnelly Garment Company and Mrs. Fitzgerald M. Price.....	5944	1621
10-A to 10-N, Lists containing names of Employees of Donnelly Garment Company who refuse to acknowledge any union labor organization, etc.....	5961	1623
19, Article appearing in Liberty Magazine of February 16, 1935 entitled "Protection in the Right not to Strike".....	5984	1651

## Index, Volume VI.

Respondent's Exhibit 2, (Rejected) Agreements and Contracts.....	5991	1653
Stipulation relating to Exhibit.....	5991	1653
Agreement between Missouri Garment Company, Incorporated, Joint Board of Kansas City Locals, and International Ladies' Garment Workers' Union, April 12, 1937.....	5992	1654
Agreement between Gernes Garment Company, and International Ladies' Garment Workers' Union, April 7, 1937.....	5997	1658
Contract between Mayfair Manufacturing Company and others, and Joint Board of Kansas City Locals, and International Ladies' Garment Workers' Union, April 9, 1937.....	6002	1663
Agreement between Gordon Brothers Manufacturing Company, Joint Board of Kansas City Locals, and International Ladies' Garment Workers' Union, April 8, 1937.....	6006	1667
Contract between Liberty Frocks Company, Incorporated, Joint Board of Kansas City Locals, and International Ladies' Garment Workers' Union, February 23, 1937.....	6011	1671
Intervener's Exhibit 20 (Rejected).....	6056	1675
Stipulation relating to Exhibit.....	6056	1675
Affidavits of various Employees of Donnelly Garment Company and Donnelly Garment Sales Company that they desire to belong to Donnelly Garment Workers' Union, etc.....	6058	1677
Board's Exhibit 1-SSSS, Rulings of the Trial Examiner.....	6099	1751
Statement of Exceptions of Intervener, Donnelly Garment Workers' Union, to Trial Examiner's Intermediate Report.....	6175	1754
Statement of Exceptions of Respondent to Trial Examiner's Intermediate Report, Excerpts from.....	6310	1887

## Index, Volume VII.

### INDEX TO CASE NO. 12,641.

	Original Print
Transcript of Testimony and Proceedings before National Labor Relations Board taken from the Transcript of Record in Case No. 12641 .....	3117 2057
Testimony for Donnelly Garment Company .....	3164 2063
Nell Quinlan Reed .....	3164 2063
Wave Tobin .....	3991 2506

## Index, Volume VIII.

Oma Lee Cooper .....	4099 2564
Hazel Saucke .....	4271 2623
Mary Warth .....	4515 2709
Lois Barnes .....	4692 2767
Edith Deane .....	4887 2848
Jessie Mudd .....	5031 2911

## Index, Volume IX.

Ethel Riegel .....	5241 3002
Ruby Clayton .....	5363 3045
Lydia Phillips .....	5456 3076
Louise Garrett .....	5545 3119
Alice Freed .....	5654 3169
Testimony for National Labor Relations Board .....	5841 3274
Etta Dorsey .....	5841 3274
Lola Skeens .....	6098 3426
Geneva Copenhagen .....	6169 3469

## Index, Volume X.

Bessie Weilert .....	6308 3550
Margaret Keyes .....	6534 3640
May Stevens .....	6571 3661
Further Testimony for Donnelly Garment Company .....	6690 3708
Opal Chaney .....	6690 3708
Anna Reece .....	6734 3717
Agnes Hutchinson .....	6746 3722
Iris Litten .....	6761 3727
Anna Reece, Recalled .....	6773 3730
Iris Litten, Recalled .....	6780 3731
Lora Fries .....	6807 3736
Lillie Reynolds .....	6820 3741
George J. McCarthy .....	6839 3746
Opal Chaney, Recalled .....	6866 3752
Agnes Hutchinson, Recalled .....	6869 3752
Mary Copowycz .....	6871 3753
Lee Baty .....	6897 3760
Testimony for Intervener, Donnelly Garment Workers' Union .....	6907 3763
Fred V. Brown .....	6907 3763
Jack McConaughy .....	6918 3766

	Original Print	
Mabel Riggs .....	6930	3768
Alvin Reifel .....	6939	3772
Elizabeth Barrett .....	6946	3774
Marjorie Green .....	6961	3776
R. J. Ingraham .....	6970	3780
Board's Exhibits .....	4	3785
1-YYYY, Order of National Labor Relations Board vacating Decision and Order, Reopening Record, Referring Proceeding to Regional Director, and Directing Further Hearing .....	4	3785
1-RRRRR, Exceptions by Intervener, Donnelly Garment Workers' Union to Order Denying Designation of Another Trial Examiner and Order Denying a Continuance .....	61	3786
1-SSSSS, Offer of Proof by Respondent, Donnelly Garment Company, against Ruling of Examiner made August 19, 1942 .....	63	3787
1-TTTTT, Supplemental Offer of Proof by Respondent, Donnelly Garment Company, against Ruling of Examiner made August 19, 1942 in Respect of Testimony of Wave Tobin .....	67	3790
1-UUUUU, Offer of Proof by Respondent, Donnelly Garment Company, relating to Witness Erwin Feldman .....	70	3790
1-VVVVV, Offer of Proof by Respondent, Donnelly Garment Company .....	73	3792
1-WWWWW, Offer of Proof by Respondent, Donnelly Garment Company, relating to Witness Meyer Perlstein .....	76	3793
Exhibit A, Agreement between Chicago Association of Dress Manufacturers with the International Ladies' Garment Workers' Union, et al. ....	78	3795
Exhibit B, Memorandum Contract entered into between Associated Garment Industries and the International Ladies' Garment Workers' Union covering the Dress Industry in the Saint Louis Market .....	79	3817
1-XXXXX, Offer of Proof of Intervener, Donnelly Garment Workers' Union .....	90	3829
1-YYYYY, Stipulation as to Mrs. Reed's Further Testimony .....	95	3834
1-ZZZZZ, Joinder by Intervener, Donnelly Garment Workers' Union, with Respondent's Motion for Designation of Different Trial Examiner and Affidavit of Prejudice and Respondent's Application for Continuance .....	97	3836
Intermediate Report of Trial Examiner, November 27, 1942 .....	155	3837
Summary and Conclusions .....	189	3885
Conclusions of Law .....	195	3895
Recommendations .....	195	3896
Respondent, Donnelly Garment Company, Statement of Exceptions to Intermediate Report of Trial Examiner, dated November 27, 1942 .....	207	3899

## Index, Volume XI.

Statement of Exceptions of Intervener, Donnelly Garment Workers' Union, to Second Report of Trial Examiner .....	354	4047
Board's Exhibits (Rejected) .....	7000	4061



32A to 32E, Information furnished by Donnelly Garment Company respecting compliance with Fair Labor Standards Act of 1938, dated October 30, 1940.....	7000	4061
33, Information furnished by Donnelly Garment Company respecting compliance with Fair Labor Standards Act of 1938, dated December 20, 1940.....	7004	4071
34A to 34E, Information furnished by Donnelly Garment Company respecting compliance with Fair Labor Standards Act of 1938, dated December 20, 1940.....	7007	4079
35A to 35E, Information furnished by Donnelly Garment Sales Company respecting compliance with Fair Labor Standards Act of 1938, dated December 20, 1940.....	7011	4089
Board's Exhibit 37, Newspaper Article entitled "Cheers by Plant Union".....	6995	4089
Respondent's Exhibits.....	7022	4101
16, Article appearing in Kansas City Times of March 18, 1937, showing Pictures, etc.....	7022	4101
17A to 17J, Form of Articles of Agreement between Donnelly Garment Workers' Union and Donnelly Garment Company, et al., containing insertions and corrections.....	7022a	4105
18, Article appearing in Kansas City Journal Post of March 17, 1937, entitled "Kansas City Garment Union Crews sit in Lobby".....	7031	4125
19, Article appearing in Kansas City Journal Post of March 18, 1937, entitled "Garment Plants hum as Police Guard Workers".....	7033	4129
20, Article appearing in Kansas City Journal Post of March 22, 1937, entitled "Violence Marks Garment Strike".....	7034	4131
21, Article appearing in Kansas City Journal Post of March 23, 1937, entitled " ** it orders Butler sitters out".....	703a	4135
22, Article appearing in Kansas City Journal Post of March 25, 1937, entitled "Battle Royal is resumed at Door of Plant".....	7038	4139
23, Article appearing in Kansas City Journal Post of March 27, 1937, entitled "Judge Brown's Garment Truce move hits snag".....	7039	4141
24, Article appearing in Kansas City Journal Post of March 31, 1937, entitled "Injunction stops hair pulling in Garment Strike".....	7041	4145
25, Article appearing in Kansas City Times of March 19, 1937, entitled "A quiet day in strike".....	7042	4147
26, Article appearing in Kansas City Times of March 23, 1937, entitled "Sue to quiet Strikers".....	7043	4149
27, Article appearing in Kansas City Star of March 17, 1937, entitled "Sitters block a Door".....	7044	4151
28, Article appearing in Kansas City Star of March 22, 1937, entitled "Fail to stop Workers".....	7045	4153
29, Article appearing in Kansas City Star of March 25, 1937, entitled "The hair pulling grows".....	7046	4155
30, Article appearing in Kansas City Star of March 30, 1937, entitled "A curb on Pickets".....	7047	4157
31, Article appearing in Kansas City Journal Post of April 5, 1937, entitled "20 Women Strikers are cited".....	7048	4159
32, Article appearing in Kansas City Journal Post of April 6, 1937, entitled "Strikers again bar 3 Garment Plants' Crews".....	7050	4163

33, Article appearing in Kansas City Journal Post of April 7, 1937, entitled "Higgins clears non-strikers' way to Plants"	7051	4165
34, Article appearing in Kansas City Journal Post of April 10, 1937, entitled "Garment Unions get Closed Shop in 3 more Plants"	7053	4169
35, Article appearing in Kansas City Journal Post of April 22, 1937, entitled "Donnelly Worker will be sent to Union Convention"	7054	4171
36, Article appearing in Kansas City Star of April 7, 1937, entitled "Women's Battles stop"	7055	4173
37, Article appearing in Kansas City Star of April 8, 1937, entitled "A break in Labor Row"	7056	4175
38, Article appearing in Kansas City Star of April 12, 1937, entitled "Wagner Act is Upheld"	7057	4177
41, Pamphlet entitled "The Union to the Donnelly Garment Company"	7061	4181
42, (Also marked Exhibit A) Article appearing in Kansas City Times of November 10, 1936, entitled "Garment Workers' Drive"	7063	4185

### Index, Volume XII.

43, Judgment, Findings of Fact and Conclusions of Law in the case of Donnelly Garment Company, et al. vs. International Ladies' Garment Workers' Union, et al., in the United States District Court for the Western District of Missouri	7064	4187
Judgment	7064a	4187
Findings of Fact	7064e	4191
Conclusions of Law	7064k	4198
44, Card of Donnelly Garment Company relating to Mrs. Etta Dorsey	7065	4201
45A to 45D, Checks of Donnelly Garment Company to Etta Dorsey	7066	4203
45A, Check for \$63.88, dated March 16, 1937	7066	4203
45B, Check for \$63.88, dated April 1, 1937	7067	4205
45C, Check for \$77.62, dated April 16, 1937	7068	4207
45D, Check for \$83.19, dated April 30, 1937	7069	4209
47, Letter signed by Bessie Weilert addressed "To whom it may concern" July 15, 1937	7071	4211
49A to 49E, Checks, Donnelly Garment Company to Bessie Weilert	7073	4213
49A, Check for \$25.40, dated June 13, 1937	7073	4213
49B, Check for \$21.20, dated May 20, 1937	7074	4215
49C, Check for \$27.64, dated May 6, 1937	7075	4217
49D, Check for \$26.34, dated April 8, 1937	7076	4219
49E, Check for \$25.05, dated March 25, 1937	7077	4221
51A to 51G, Checks, Donnelly Garment Company to Opal Chaney	7079	4223
51A, Check for \$27.63, dated April 29, 1937	7079	4223
51B, Check for \$25.43, dated April 22, 1937	7080	4225
51C, Check for \$27.47, dated April 15, 1937	7081	4227
51D, Check for \$22.51, dated April 8, 1937	7082	4229
51E, Check for \$24.38, dated April 1, 1937	7083	4231
51F, Check for \$18.78, dated March 25, 1937	7084	4233

	Original Print	
51G, Check for \$18.95, dated May 6, 1937	7085	4235
52A to 52H, Checks, Donnelly Garment Company to Anna Reece	7087	4237
52A, Check for \$15.06, dated March 11, 1937	7087	4237
52B, Check for \$15.50, dated March 18, 1937	7088	4239
52C, Check for \$17.75, dated March 25, 1937	7089	4241
52D, Check for \$20.84, dated April 1, 1937	7090	4243
52E, Check for \$19.63, dated April 8, 1937	7091	4245
52F, Check for \$18.13, dated April 22, 1937	7092	4247
52G, Check for \$24.25, dated April 29, 1937	7093	4249
52H, Check for \$18.93, dated May 6, 1937	7094	4251
53A to 53H, Checks, Donnelly Garment Company to Agnes Hutchinson	7096	4253
53A, Check for \$19.23, dated March 18, 1937	7096	4253
53B, Check for \$22.71, dated March 25, 1937	7097	4255
53C, Check for \$22.40, dated April 1, 1937	7098	4257
53D, Check for \$23.31, dated April 8, 1937	7099	4259
53E, Check for \$28.77, dated April 15, 1937	7100	4261
53F, Check for \$32.24, dated April 22, 1937	7101	4263
53G, Check for \$30.00, dated April 29, 1937	7102	4265
53H, Check for \$28.06, dated May 6, 1937	7103	4267
54A to 54I, Checks, Donnelly Garment Company to Iris Litten	7105	4269
54A, Check for \$23.62, dated March 11, 1937	7105	4269
54B, Check for \$25.59, dated March 18, 1937	7106	4271
54C, Check for \$24.73, dated March 25, 1937	7107	4273
54D, Check for \$24.37, dated April 1, 1937	7108	4275
54E, Check for \$25.77, dated April 8, 1937	7109	4277
54F, Check for \$26.44, dated April 15, 1937	7110	4279
54G, Check for \$24.62, dated April 22, 1937	7111	4281
54H, Check for \$33.31, dated April 29, 1937	7112	4283
54I, Check for \$25.03, dated May 6, 1937	7113	4285
55A to 55H, Checks, Donnelly Garment Company to Flora Fries	7115	4287
55A, Check for \$26.88, dated March 18, 1937	7115	4287
55B, Check for \$27.10, dated March 25, 1937	7116	4289
55C, Check for \$23.31, dated April 1, 1937	7117	4291
55D, Check for \$25.74, dated April 8, 1937	7118	4293
55E, Check for \$24.94, dated April 15, 1937	7119	4295
55F, Check for \$32.59, dated April 22, 1937	7119	4297
55G, Check for \$34.22, dated April 29, 1937	7120	4299
55H, Check for \$29.97, dated May 6, 1937	7121	4301
56A to 56I, Checks, Donnelly Garment Company to Lillie Reynolds	7123	4303
56A, Check for \$22.35, dated March 11, 1937	7123	4303
56B, Check for \$27.15, dated March 25, 1937	7124	4305
56C, Check for \$22.21, dated March 18, 1937	7125	4307
56D, Check for \$22.44, dated April 1, 1937	7126	4309
56E, Check for \$27.61, dated April 8, 1937	7127	4311
56F, Check for \$23.42, dated April 15, 1937	7128	4313
56G, Check for \$30.57, dated April 22, 1937	7129	4315
56H, Check for \$33.34, dated April 29, 1937	7130	4317
56I, Check for \$27.58, dated May 6, 1937	7131	4319
57, Tabulation relative to Comparative Earnings of Piece Work Operators—First Six Months—1937 and 1938	7131	4321

We are ready to proceed in accordance with my ruling. We will proceed with the employees, in line with the offers of proof which were made and in line with the circuit court's opinion.

Mr. Ingraham: Respondent excepts to your ruling. We will have to get the employees up here.

. . . . .

Mr. Ingraham: I would like to call Wave Tobin to the stand.

Trial Examiner Batten: I think I ruled on that this morning, Mr. Ingraham." (pp. 4087-88-89).

. . . . .

[fol. 276] "Mr. Ingraham: Do I understand the ruling this morning is limiting the testimony to the testimony of Donnelly employees?

Trial Examiner Batten: I don't think that was the ruling Mr. Ingraham, You may read the record in the morning. I said I would receive first the testimony of the employees referred to by the circuit court in the offers of proof which I rejected.

Mr. Ingraham: Now, we have made other offers of proof besides the offers of proof of the employees. There are other offers of proof that were made at the last hearing besides those made on behalf of the employees.

Trial Examiner Batten: Yes, I think that is right.

Mr. Ingraham: Now, are we to be limited to the evidence that is covered in the offers of proof of employees?

Trial Examiner Batten: You are to be limited now to the 1,200 employees referred to by the court—why and how—the offers of proof made on behalf of those 1,200 employees. That is the matter which I will hear first." (pp. 4089-90).

. . . . .



"Mr. Ingraham: I want to call the Examiner's attention to the last paragraph in respondent's last answer. It is Board's exhibit No. 1-LLLL.

Mr. Langsdale: What exhibit is that?

Mr. Ingraham: Board's exhibit No. 1-LLLL. Page 3441 of the record.

"Respondent further states"—I am reading from the answer—"that during all of the times mentioned in paragraph 11 of the Board's complaint the International Union, its officers, agents, and members were engaged in the said and lawful conspiracy against respondent set forth in section (B) of this answer and the matters set forth in said section (B) of this answer are by reference made a part specifically of respondent's answer to paragraph 11 as though set out in hæc verbae."

Now, section (B) of respondent's answer was stricken out. Paragraph 11 of the Board's complaint remained in the complaint, and our answer to it remained in our answer; it wasn't stricken out.

Now, respondent offered to prove those facts which are in paragraph 11 by the following witnesses: Nell Quinlan Reed, Elizabeth Reeves, R. J. Ingraham, John Bachofer, Marguerite Keyes, Inez Warren, Pauline Shartzter, Mary Sprofera, Nelly Stites, Ruby Rickett, Lyle Jeter, Raymond Smith, Effie Hall, George Couten, Flora Ruden, W. D. Rosenfield, Gordon I. Gordon, Velma Dowdy, Meyer Perlstein, David Dubinsky, Wave Tobin, Sylvia Hull, and Ellen Pry.

[fol. 277] "That offer was rejected.

We offered to prove the allegations contained in subdivision B of our answer and those are— I will not take the time to read subdivision B.

Trial Examiner Batten: You mean subdivision B of your answer?

Mr. Ingraham: Yes. Now, in order to proceed we feel that Wave Tobin's testimony is essential and that under the offers of proof we have a right at this time to examine her." (pp. 4090-91-92).

"Mr. Reed: I want to call attention to this situation which has arisen:

We are contending that Wave Tobin continue on the witness stand and that her testimony should be heard before other testimony is called for. That is the situation.

Now, the Examiner rules that he will not rule at this time and directs us to go forward with other witnesses; he is going to reserve his decision. If the decision is not made at this time, then the effect of it will be that we will go on and hear these other witnesses and we don't have a ruling. I think we are entitled to a ruling now, so that we will know how to proceed.

Trial Examiner Batten: Senator, I ruled this morning that I was first going to hear the 1,200 witnesses which the court referred to and which offers of proof I rejected, and I have not changed that ruling.

Mr. Reed: You have not changed that ruling, but we have now filed a paper here and we ask a ruling on it, and you say you will reserve that ruling. Of course, if you make the ruling after the damage, as we think, is done, that will do us no good if you then decide it in our favor.

Now, I don't think I will be able to change your mind, but I want to make this observation, that in the orderly procedure in courts of justice—and I have been there a good many years—and as said by the Court of Appeals here in its quotation from another eminent authority, it is the right of a litigant, through its counsel, to put its evidence in the order it sees fit, and the only question is whether the evidence is competent. The order of proof rests with the person proffering the proof.

Now, this proceeding that we are now talking about I have never seen in any court, at any time, where a judge undertook to say in what order you shall put on your testimony.

We offer it, and if it is incompetent, of course you can rule it out, but you cannot tell us, under any rule of law that I ever heard of, the order in which we shall proceed with our defense in this case." (pp. 4095-96).

[fol. 278] This exception is made for all the reasons and grounds given at pages 4049-4096 and 4315-16 of the record

and for the further reasons that said rulings were and are arbitrary and unnecessary to orderly procedure and constitute an abuse of any discretion vested in the Trial Examiner with reference thereto are contrary to law, and deprived respondent of a fair trial and of its liberty and property without due process of law in contravention of the Fifth Amendment to the Constitution of the United States.

79-a.

Respondent excepts to the rulings, actions and comments of the Trial Examiner appearing in the Transcript of the Record at pp. 4049-4073 inclusive, and to the statements and comments of the counsel for the Board and ILGWU therein appearing and to the refusal of the Trial Examiner to permit counsel for Respondent to continue with the examination of Wave Tobin, the witness then on the stand, and to his refusal to permit Respondent to proceed with the offering of its evidence in the order desired by Respondent and to the refusal of the Trial Examiner to permit said witness to answer the question appearing at the bottom of page 4048 and top of page 4049, as follows:

"Q. Now, Miss Tobin, there has been reference in this case to strikes at 26th and Grand, in the spring of 1937. Were you in charge of the strikers in the Missouri Garment Company plants?"

and in refusing to permit Respondent to proceed to elicit testimony from said witness concerning said matters and other pertinent matters herein, and excepts to the Trial Examiner's requirement that Respondent submit an offer of proof as to what Respondent would prove by said witness' testimony for each and all the reasons stated by counsel for Respondent at pages 4051-52 and 4056-4060 of the Record, and Respondent further excepts to the refusal of the Trial Examiner (as shown by the Record at pages [fol. 279] 4056-4060) to permit the witness Wave Tobin to answer the question asked by the Respondent at page 4054 of the record, to-wit:

"Q. (By Mr. Ingraham) Miss Tobin, who is the chair-lady at the Marguerite Keyes shop at the present time?"

and excepts to the ruling of the Trial Examiner in refusing to permit Respondent to recall said witness Wave Tobin to the stand for such purpose or for any purpose as shown by the Record at pages 4088-92; and in refusing to permit Respondent to examine the witness Wave Tobin with reference to the matters set forth in section B of Respondent's answer, and with reference to the matters contained in or referred to in Respondent's offer of proof (Board's exhibit 1-SSSSS) as shown by the Record at pages 4090-4092.

In connection with this exception Respondent calls attention to and makes a part hereof all the quotations from the Record set forth in Respondent's preceding exception No. 79.

This exception is made and based upon all the reasons and grounds set forth or referred to in said foregoing exception No. 79, and upon the further ground that said ruling and action have denied to Respondent a fair trial herein and deprived it of due process of law under the Fifth Amendment of the Constitution of the United States.

[fol. 280]

80.

The respondent excepts to the refusal of the Trial Examiner and the Board to grant a secret election among the employees to determine their choice of a bargaining agency as set forth in the transcript of the record at pages 4157-58 as will appear from the following excerpts therefrom, to-wit:

"Mr. Reed: I just want to ask—I tried to ask it before Mr. Tyler reached the floor—now, if you will give us a secret election, since you say these people are afraid to testify in the presence of their employers or their associates, will you now give us a secret election? And I challenge the Board to that.

"Miss Weyand: I would like to state the Board's position with reference to a secret election for the record.

"The Board's position has consistently been, and was upheld by the Courts in this regard, that a secret election cannot be fairly conducted if any employer's unfair labor practices have not been corrected or dissipated.

"Mr. Reed: Well, you assume there are unfair labor practices, therefore you assume you can't have an election; therefore you get an election if the Board wants it and not as a matter of right, and the Board's position is, 'We have prejudged you, you are guilty of unfair labor practices, and therefore we won't give you a chance to have an election or give the employees a chance to have an election to determine what their wishes are.'"

"That is the fine logic we have in this case, and it runs throughout it."

81.

Respondent excepts to the rulings, action and comments of the trial examiner as set forth in the transcript of the record at pages 4196-97 as shown from the following excerpts therefrom, to-wit:

"Q. Were you given any instructions, oral or written, or any rules of conduct, which stated what your duties as an operator were between January, 1936 and July, 1937?"

"Mr. Ingraham: I would like to ask Miss Weyand under what offers of proof this line of questioning comes.

[fol. 281]. "Miss Weyand: I do not believe that on cross-examination I am restricted to any offers of proof. I think as I develop my questioning the point at which I am aiming will be clear. I think it is proper cross, under the questions that were allowed over my objections to be put to this witness, and, therefore, even though I objected to the questions as to what the instructors' duties were, I can certainly cross-examine as to that matter.

"Trial Examiner Batten: If course, Miss Weyand, I don't believe I could agree with you that you are not restricted to offers of proof on cross-examination. I think, generally speaking, you are, assuming—

"Miss Weyand: I do not mean—

"Trial Examiner Batten: Just a moment. —assuming I am able to confine the direct examination to the offers of proof, which I will attempt to do.

"Now, as to your second point, I don't know your purpose, but I think I permitted some questions of this witness as to supervisory employees, instructors, and so



forth, and following that examination on direct, I think you are within the direct examination, so you may proceed.

"Mr. Ingraham: Well, we object to this line of questioning as outside the scope of the ruling of the court.

"Trial Examiner Batten: I will overrule the objection".

## 82.

Respondent excepts to the ruling, action and comments of the Trial Examiner appearing on pages 4227-28 of the transcript of the record as shown by the following excerpts therefrom, to-wit:

"Q. Did you ever hear that either Sylvia Hull or Fern Sigler left their work as a result of certain demonstrations? A. I heard something about it.

Q. What did you hear?

Mr. Ingraham: Would you read the question, please?

Miss Weyand: Will you read the last question, please?

Trial Examiner Batten: Will you please read the last question?

(Last question was read by the reporter.)

Mr. Reed: The answer was what?

(Last answer was read by the reporter.)

[fol. 282] "Mr. Reed: We object to that as calling for pure hearsay evidence.

A. I can't recall—

"Trial Examiner Batten: (Interrupting) Just a moment, Mrs. Cooper, I don't believe at this point of the proceeding I would exclude hearsay, hardly.

"Mr. Reed: Well, we object to it.

"Trial Examiner Batten: I'll overrule the objection."

## 83.

Respondent excepts to the ruling, action and comment of the trial examiner appearing on pages 4256-57 as shown by the following excerpts therefrom, to-wit:

"Q. (By Mr. Langsdale) Would it have made any difference in your mental attitude toward the ILGWU had you believed Mr. Reed was telling the truth when he said that Mr. Dubinsky was a Communist and a Bolshevik?"

"Mr. Reed: That is a purely hypothetical question, and the hypothesis is a mere assumption, 'Would it make any difference to you if something else had happened?'"

"Trial Examiner Batten: Do you understand the question, Mrs. Cooper?"

"A. I think he wants to know if I had heard that he was a Communist, if it made any difference in my opinion of the union."

"Mr. Langsdale: Yes."

"Trial Examiner Batten: Well, the question is, if you had believed Senator Reed's statement, would it make any difference?"

"A. I was going mostly by their actions here in the city."

"Q. (By Mr. Langsdale) Now, Mrs. Cooper, that isn't the question."

"Mr. Langsdale: Will you read the question?"

Trial Examiner Batten: Will you please read the question?"

(Last question read by the reporter.)

"Mr. Reed: I object to that as incompetent and immaterial and entirely outside the issues in this case."

"Q. (By Trial Examiner Batten) Do you understand it?"

"A. I think I do."

"Q. Well, if you do, you may answer it."

[fol. 283]

84

Respondent excepts to the rulings, action and comments of the trial examiner as shown in the following excerpts from the transcript of the record on page 4263, to-wit:

"Q. (By Mr. Langedale:) Did you get from this article any belief that Mr. Dubinsky was a Communist and a Bolshevist?

"Mr. Reed: Well, we object to that as immaterial and incompetent.

"Trial Examiner Batten: You may answer.

"Mr. Reed: I want to get my objection into the record, that is all.

"Trial Examiner Batten: Yes, I will overrule it, Senator."

85.

Respondent excepts to the rulings and action of the Trial Examiner throughout the hearing in permitting counsel for the Board and for the I. L. G. W. U. to adduce incompetent, irrelevant and immaterial testimony on the pretext that the same was for the purpose of credibility or that the questions asked were preliminary questions, whereby said improper and incompetent evidence was gotten into the record and contributed to the erroneous findings and conclusions of the Trial Examiner; that such was the purpose of the Board and its counsel is shown by the following excerpts from the transcript of the record at pages 4335, 4336, to-wit:

"Miss Weyand: I should say that if my cross-examination had brought out a connection of the company with the incident, the Board would be entitled to rely on it in its decision. . . .

"Miss Weyand: My purpose was directed at credibility, but I don't believe that when I direct a question at credibility which is a proper question to direct at credibility I am to be barred from taking the answer and saying I wish to use it for something else if the answer developed into a statement of a connection of the company with the incident."

[Vol. 284]

86.

Respondent excepts to the rulings, action and comments of the Trial Examiner appearing in the following

excerpts from the transcript of the record at pages 4314 to 4316 inclusive, to-wit:

"Q. Do you recall at that time what the International was--What charges they were making about the working conditions at the Donnelly plant?"

"A. I think I do.

"Trial Examiner Batten: Mr. Ingraham, is that in the offer of proof, the N. R. A. hearing?"

"Mr. Ingraham. No. But the Examiner and the Labor Board laid great stress on the events that occurred prior to the effective date--

"Trial Examiner Batten: I do not intend to go into that on these offers of proof.

"Mr. Ingraham: Well, I will have to except to Your Honor's ruling.

"Trial Examiner Batten: You may do so.

"Mr. Ingraham: That is all.

"Trial Examiner Batten: I think I stated pretty clearly, Mr. Ingraham, on these employees, I want to confine it first to these offers of proof. That is the thing that the circuit court clearly indicated I should have taken. Now, I am not making a ruling, as I said before, at this time that I will not take anything else, but I am going to take first the things the circuit court clearly indicated I should have received, and that is my reason for it.

"Mr. Ingraham: At this time do you want me to make an offer of proof on these matters that I was going into?"

"Trial Examiner Batten: Of course, I don't know that it is necessary to make an offer of proof. If you want to, you can. I haven't excluded it.

"Mr. Ingraham: You have not excluded that testimony?"

"Trial Examiner Batten: No.

"Mr. Reed: Now, then, are we to try this case if--

"Trial Examiner Batten: Well, Senator, you are going to proceed, I hope, as I indicated yesterday, and I thought

everybody understood, and take first the employees, in accordance with the offer of proof, which the court said I should have accepted.

“Now, that is the plan we are going to follow.

[fol. 285] “Mr. Reed: I seem to be unfortunate. Every time I try to make a statement you interrupt me. I would like to make a statement for the record.

“How are we to try this case if the Examiner undertakes to direct us as to what testimony we shall offer first and not tell us what other testimony will be received, but withholds his decision until we have put our witnesses upon the stand and examined them, within the limitations that he has fixed; then, after that is all done, he may open up the case and try many other things.

“Now, I simply protest that that method is unfair and I except to the ruling of the Examiner.

“Trial Examiner Batten: I understand, Senator, you excepted to it yesterday. You stated, however, that if I intended to pursue that policy, you would comply with it.

“Mr. Reed: We are forced to comply with it. I didn't state I would voluntarily comply with it.

87.

Respondent excepts to the rulings, action and comments of the Trial Examiner, appearing at page 4350 of the transcript of the record, that “whether or not the employer exerted any pressure to exclude these people from the plant I don't think is material under these offers”, and in refusing to permit respondent to adduce such evidence.

88.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from transcript of the record at pages 4352, 4354, 4355, 4356, to-wit:

“Q. Did Mrs. Hyde say anything to you?

“A. She did.

“Q. What did she say?



"A. She asked me to please go back to my machine.

"Q. And what did you do?

"A. Well, I still wanted to go down and see who the other girl was. I didn't know the other girl. But she asked me repeatedly to go back to my machine and go to work, and I went.

"Trial Examiner Batten: Now, you see, Mr. Lane, what this leads into. You are leading into trying out the whole issue. \* \* \*

[fol.286] "Trial Examiner Batten: The question here is how and why the Donnelly Garment Workers' Union was organized under the offers of proof.

"Mr. Lane: It is more than that. \* \* \*

"Mr. Lane: Now, Your Honor makes repeated reference to the offers of proof and the Board's offers of proof. I find nothing in the opinion which confines the Intervener or the Donnelly Garment Workers' Union or the Respondent to specific offers of proof. The opinion says the evidence of the employees was to be taken, whether they were dominated or coerced.

"Trial Examiner Batten: Of course, Mr. Lane, I am referring to my ruling that we are first going to take the testimony of the employees, in line with the offers of proof. Of course, if you concede this is in accordance with the offers of proof, it is not in accordance with my ruling. \* \* \*

"Mr. Reed: The difficulty is we are trying to do the impossible, we are trying to separate evidence which bears upon the whole case and limit it to bear upon one feature of the case, and that feature of the case is an essential part of the case itself; so that our difficulty arises from that attempt to first try one particular question.

"Now, you can't try that question, you can't try the very question here, without introducing evidence as to what took place. This lady saw it, and everything that took place there was dragged into this case by both sides before.

"Now, this witness is asked how she felt, what her state of mind was; she saw this difficulty. What took place at

that time would affect her mind, and what took place at that time would do something else; it would be a factor in arriving at any other conclusion whether the company was guilty of unfair labor practice by not going in and protecting these people.

"Trial Examiner Batten: Well, of course, Senator, that is not because of the order of proof, and it is not because of the issues in the case. The difficulties that we are running into is that we are trying to explore the minds of people.

"Mr. Reed: Yes.

"Trial Examiner Batten: Now, I don't care whether it is a Labor Board hearing or what kind of a lawsuit it is, when you attempt to do as we are doing here, explore people's mental reactions and their opinions—

"Mr. Reed: That is shown by what they do, isn't it?

"Trial Examiner Batten: But you get into serious difficulty. I feel that is what the Circuit Court wanted done; within the limits of our ability, I am going to comply with the Circuit Court's decision. I have made my ruling we are going to proceed in that manner. If I am wrong, Senator, we probably will be back here again.

[fol. 287] "Mr. Reed: I think we will.

"Trial Examiner Batten: Well, I hope I live to be here; I have enjoyed it very much thus far, but I made the ruling, and that is the ruling which we are going to follow."

89.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the record at pages 4358 to 4360 inclusive, to-wit:

"Mr. Lane: Well, the Board has taken the position, apparently—

"Trial Examiner Batten: (Interrupting). The Board hasn't taken any position. The Board has set aside its decision and order, there is no decision and order in ex-

istence, so that can't be used as stating what the Board's decision is.

"Mr. Reed: Well, is there a record in existence that is a part of this hearing?

"Trial Examiner Batten: Well, I would assume so, Senator. At least we started with page 3000 and something, so I assume something precedes it.

"Mr. Reed: Well, the record is here, whether the Board did or didn't make a finding—we know it did make a finding. We know this point adverse to us was in the minds of the Court, and this case has been sent back here, and the Board is ordered to set aside its judgment and decision, and we are here now, prepared to try the issue in this case.

"Trial Examiner Batten: That is the very point I am glad you mentioned, Senator. I have felt that way for some time, that the position of the Respondent is that on every point I passed, the Board made an adverse finding in its prior decision and order; that means the Respondent can now come in here in a further hearing for a specific hearing, and attempt to disprove all the adverse findings brought.

"Mr. Reed: And that, not because of the adverse finding, but because we are entitled to put in this evidence, and the adverse findings simply go to this fact, that it is apparent that the Board has in its mind the importance of this question, and that their opinion was that we were guilty under this particular phase of the charge. Now, we come back to try it. We have the old record here and we have the right to meet every contention that is made. That contention is made by the Board today, although it set aside its findings, and the record is there, and it is here now, undertaking to say that on that record made, which is now, as I understand, a part of this hearing, certain deductions we have drawn, and it drew them. Now, we come in and want to show the facts in this case; and to shut us off from that—

[fol. 288] "Trial Examiner Batten (Interrupting): Of course, Senator, I can't agree with you that you are coming in here to show the facts; you are coming in here to

show the facts on the basis of the remand of the Circuit Court.

"Mr. Reed: I understand that, and you and I differ on that radically, on what the remand is, and we object to the ruling that has been made, to the effect that we are confined here to our offers of proof, and then we make the further point that our offers of proof are broad enough to cover every contention that we have thus far made in this case; and that we have the right now, under our offers of proof, to meet every issue in this case; and we object and except to any rulings to the contrary.

"Trial Examiner Batten: Well, of course, I think the record is pretty clear, Senator, that you have excepted to all of these rulings."

90.

Respondent excepts to the ruling, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the record at page 4365, to-wit:

"Q. (By Mr. Lane). Will you state, Mrs. Saucke, what was said by anybody in the section?

"Trial Examiner Batten: Well, I'll object to that question and sustain my own objection. If this questioning indicates this witness can't identify what anybody said—I mean the names of anybody—then I would say the proper foundation is laid for your last question."

91.

Respondent excepts to the ruling and action of the Trial Examiner as set forth in the following excerpts from the transcript of the record at pages 4381, 4382, to-wit:

"Q. Who did you deal with in arranging that picnic?

"Mr. Reed: Now, if Your Honor please, isn't this utterly immaterial to this case? I submit that it is. It is a useless consumption of time.

"Trial Examiner Batten: You may tell us. Who did you deal with?"

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the record at page 4393, to-wit:

[fol. 289] "Q. Do you remember what the vote was against you?"

"A. No.

"Q. How was the vote conducted?"

"Mr. Reed: If Your Honor please, isn't this testimony an utter waste of time."

"Trial Examiner Batten: Well, I don't know, Senator.

"Mr. Reed: Well, I am objecting to this line of questioning as incompetent and immaterial.

"Trial Examiner Batten: I'll overrule the objections. I think it has to do with the Donnelly Garment Workers' Union, Senator, clearly."

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the record at pages 4399, 4400, 4405-4406, 4410, 4411-4412, to-wit:

"Q. Did you know whether she would be a good person to represent you in the Donnelly Garment Workers' Union?"

"Mr. Reed: Well, I object to that as utterly immaterial.

"Trial Examiner Batten: Well, she can answer.

Mr. Reed: An opinion of the witness as to whether some other lady, whom she says she hardly knew, would be a good person to represent her or not—

"Trial Examiner Batten: She may answer.

"Mr. Reed: Well, I want to put my objection in. It is immaterial, outside of the issues in this case, and a useless consumption of time.



"A: Well, what little I have seen of her, I imagine she would be very capable.

"Q. (By Miss Weyand): Did you know her well enough to form an opinion?

"A. I think I did.

"Q. And had you formed an opinion?

"Mr. Reed: I make the same objection.

"Trial Examiner Batten: Overruled. \* \* \*  
[fol. 290] "Q. What discussions did you hear her participate in?

"A. I couldn't say.

"Mr. Reed: May my previous objection stand to any of this line of questioning?

"Trial Examiner Batten: Yes, you may have a continuing objection. \* \* \*

"Q. Do you know what her opinion in regard to labor matters is?

"Mr. Reed: I object to that as calling for the information of somebody else, incompetent and immaterial.

"Trial Examiner Batten: Well, you have already answered it, haven't you?

"A. No, I haven't.

"Trial Examiner Batten: Well, you may answer.

"Mr. Ingraham: Respondent further objects, that the question is general.

"Trial Examiner Batten: You may answer. \* \* \*

"Did you ever hear him make any statement about labor matters?

"A. I don't remember.

"Mr. Reed: I wish to call to the attention of the Court that that question is unfair as it simply refers to labor matters. Now, there are a thousand—ten thousand different things that concern labor matters. The question

does not mean anything in the form that it is put, and the witness might have to answer on matters entirely outside of this issue on labor matters. I got opinions on labor matters; most everybody has; and how many different opinions, and how many different kinds of questions is all open, it is all embraced in this one question on labor matters.

"I object to it as an improper form of examination.

"Trial Examiner Batten: We will recess until 20 minutes of 4. \* \* \*

"Q. Did you know his character sufficiently to know whether he would make a good representative for the employees?

"Mr. Reed: Now, I object to that as utterly incompetent and immaterial, did she know this man's character sufficiently to know whether he would make a good representative for the employees. Now can that throw any light on this case? How can she be required to pass an opinion upon the qualifications of some man who is not even here in court?

"Trial Examiner Batten: Well, you may tell us whether you knew him well enough to have him represent you.

[fol. 291]

94.

Respondent excepts to the rulings and action of the Trial Examiner as set forth in the following excerpts from the transcript of the record at page 4421, to-wit:

"Q. (By Miss Weyand): And did you participate in the nomination of Mildred Mattox?

"A. Yes; I did.

"Mr. Lane: If the examiner please, the Intervener Donnelly Garment Workers' Union objects to that question; whether this witness, Mrs. Saucke, participated in the nomination of Mildred Mattox in April 1938, as a member of a nominating committee, whether this witness acted wisely or unwisely in so participating, or whether this witness was casually or intimately acquainted with Mildred Mattox doesn't throw any light whatever on the issues of

this proceeding, it is entirely irrelevant and immaterial, doesn't even approach the issue we are here to try, out, and I object to it for that reason.

"Trial Examiner Batten: We will proceed.

"Mr. Ingraham: Respondent makes the same objection.

"Trial Examiner Batten: Overruled.

95.

Respondent excepts to the failure and refusal of the Trial Examiner to rule upon and sustain the objection made at page 4426 of the record, as shown by the following excerpts therefrom, to-wit:

"Miss Weyand: She said she didn't know who Stella Willis was and I just wanted the record to show how completely ignorant she was on what goes on there at the Donnelly Garment Company.

"Mr. Lane: I object to the comment and move that it be stricken."

96.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the record at pages 4454, 4455, 4456, to-wit:

[fol. 292] "Q. Do you know anything about the way it happened at this election?

"A. What year?

"Q. 1938, that the two tickets brought in each had Rose Todd for president on each ticket, Jack McConaughy for treasurer on each ticket, and Margaret Green for secretary on each ticket.

"Mr. Reed: I object to that as immaterial; whether the witness noticed it or didn't notice it, is purely immaterial in this case.

"Miss Weyand: She was a candidate on one of the tickets for vice-president, and I think she would be a good person to explain.

"Mr. Ingraham: I didn't know there was a vice-presidential candidate.

"Trial Examiner Batten: Do you know anything about it?

"A. I had nothing to do in making up those tickets, didn't know who was on those tickets until they were placed on the board in front of me.

"Q. (By Miss Weyand): And you didn't later learn how that happened?

"A. I didn't even inquire.

"Q. You don't to this day know how that happened?

"A. You mean how those names—

"Mr. Reed: (Interrupting): She has already said she was not present, that she didn't know how the [list] were made up. Now she is asked if she didn't know how that happened; I object to it.

"Miss Weyand: She indicated at that time—

"Trial Examiner Batten: The question is whether she ever found out it occurred.

"Mr. Reed: Then it would be hearsay.

"Mr. Langsdale: That is not a question from the testimony in this case.

"Trial Examiner Batten: Did you ever find out, Mrs. Saucke?

"A. I never tried to find out.

"Q. (By Trial Examiner Batten): Then, you didn't find out?

"A. I didn't ask.

"Q. Then, if you didn't ask, you didn't find out, did you?

"A. No, I guess I didn't.

[fol. 293] For the reason that the testimony elicited there and on similar matters shown in the succeeding pages of the record is wholly immaterial and irrelevant to the issues and does not tend to prove any of the charges in the complaint and obscures the real issues and contributed to

the erroneous findings and conclusions of the Trial Examiner, and because said interposition of the Trial Examiner shows his partisanship and bias against respondent.

97.

Respondent excepts to the constant interposition of the Trial Examiner in the conduct of examinations by counsel and to his refusal to rule on respondent's objections and let counsel proceed to try the case in their own way, and to his rulings, action and comments, as same appear on pages 4483 to 4487 of the transcript of the record, said instance of such interposition by the Trial Examiner being but one of the hundreds throughout the record, to all of which respondent excepts.

98.

Respondent excepts to the rulings, action and comment of the Trial Examiner as set forth in the following excerpts from the transcript of the record at pages 4511, 4512, to-wit:

"Q. Now then, would you have done the things you did on April 23, 1937, at Sylvia Hull's machine if you had known she was going there to represent only members of the I. L. G. W. U.?"

"Mr. Reed: I object to that as incompetent and immaterial and asking the witness to testify to what she might have done under a state of facts which is not shown to have existed and which the witness did not have in mind, as shown by her own testimony.

"Trial Examiner Batten: Will you read the question, please?"

"(Thereupon the last question was read by the reporter.)

"Trial Examiner Patten: You may answer.

"A. I certainly would, because the article also states they were going to call a strike.

"Q. That they were going to get permission—

"A. —to call a strike.

"Q. At any rate, you would have done and said exactly the same things you did say and do on April 23



at her machine or near her machine had you known she was going there to represent only employees of the Donnelly Garment Company that belonged to the I. L. G. W. U.?

"Mr. Reed: I renew my objection last made."

"Trial Examiner Batten: The objection is overruled."

"You may answer."

[fol. 204]

99.

Respondent excepts to the rulings, action and comment of the Trial Examiner in ruling and requiring that the witness on the stand, Mrs. Warth, give the name of a friend who she stated had had her clothes torn in the I. L. G. W. U. strikes, and in striking out the testimony of said witness with reference thereto because of her refusal to state the name of said friend, which said rulings, comments and actions appear at pages 4565 to 4575 of the record, and particularly in the following excerpts therefrom at pages 4573, 4574, 4575, to-wit:

"Trial Examiner Batten: If it is for the purpose of credibility, I will ask the witness to disclose the name."

"Mr. Reed: Do the counsel on the other side now say that they are going to test this lady's credibility by bringing in the witness, and do they vouch for the fact that that witness will contradict this witness?"

"Trial Examiner Batten: That is not what I asked them. I asked Miss Weyand if it was a matter of credibility, and she said it was. I asked her, entirely so? And she said yes. Upon her statement, the witness may disclose the name of the person. \* \* \*

"Mr. Reed: Are we, then, to understand that this question is to be asked, although limited to impeachment purposes, and that we can follow and show that this young lady, if she would come in and deny this, the fact back of it, or show, if she didn't deny it, that she spoke the truth?"

"Trial Examiner Batten: I am making no ruling of any kind, senator, except to this witness, that she may disclose the name of the person."

"Mr. Reed: That's the trouble."

"Trial Examiner Batten: That isn't the trouble. If you believe you have the right to present such testimony, Senator, you present it, and at the time it is presented I will rule upon it.

"Mr. Reed: I am going to say to the witness that she has the right to withhold this name, if she wants to.

"The Witness: I think I will stand on that right, then.

"Trial Examiner Batten: All right. You may do so, and I shall strike your testimony with respect to this incident which was given on direct examination—

"Mr. Lane: Intervener excepts to the ruling of the Examiner.

"Trial Examiner Batten: —in accordance with the Board's rules.

"Mr. Reed: And we also except to the ruling."

[fol. 295]

100.

Respondent excepts to the ruling of the Trial Examiner refusing to permit Respondent to recall witness Wave Tobin to the stand and to continue its examination of her as shown by the following excerpts from the transcript of the Record at page 4692, to-wit:

"Trial Examiner Batten: Mr. Ingraham?

Mr. Ingraham: I would like the record to show that Wave Tobin is present in court and has been present at every session since she was on the stand, and respondent again asks the right to continue its examination of her.

Trial Examiner Batten: Has Mrs. Reed been in court since we started up again, Mr. Ingraham?

Mr. Ingraham: No, she has not.

Trial Examiner Batten: Well, I think I can verify the fact for you that, as far as I recall, Miss Tobin has been here every day.

We will proceed.

Mr. Ingraham: And my request to be permitted to continue my examination of her will be denied?

Trial Examiner Batten: We will proceed in line with the ruling which I have previously made, Mr. Ingraham."

101.

Respondent excepts to the rulings of the Trial Examiner limiting the Respondent's examination of its witnesses strictly to the Examiner's conception of what is covered by the offer of proof and refusing to permit witnesses while on the stand to testify as to other material and pertinent phases of the case as set forth in the following rulings and comments of the Trial Examiner appearing in the transcript of the Record at pages 4755-56, to-wit:

"Mr. Reed: Will you pardon me at that point?"

We are now running into the vice, I think, of— I don't say that disrespectfully of the ruling. You say at the present time we are going to hear only from the witnesses who were named and that you are going to confine the issues to the one question of offers of proof.

[fol. 296] "Trial Examiner Batten: That is right."

Mr. Reed: But hereafter you will leave it open.

Trial Examiner Batten: I am not ruling upon that matter.

Mr. Reed: So, when we undertake to present our case we are handicapped by a ruling which limits our right to put in evidence on only one phase of the case, when the same witness that we have here could testify as to the other phases, if you hereafter admit them.

Now, we ought to know what is coming into this case, Mr. Examiner. We ought to know now.

Trial Examiner Batten: Senator, I would like to know, myself. If I knew, I could make a ruling, but I don't know, so I can't rule.

Mr. Reed: So we all proceed in the dark.

Trial Examiner Batten: We certainly do.

Mr. Reed: Very well, then. I object to that procedure.

Trial Examiner Batten: Except in accordance with the ruling I have made that we are first going to take the testi-

mony which I rejected in the offers of proof. That is the order of proof and we are going to follow that."

102.

Respondent excepts to the ruling and action of the Trial Examiner in limiting Respondent's evidence to matters occurring within six months prior to March 18th, 1937, to-wit, from November, 1936 on, and in ruling that things prior to that date are not covered by the offers of proof and should not be received in evidence under the Examiner's ruling directing the order of proof, as set forth in the ruling and comments of the Trial Examiner appearing at pages 4763-64 of the transcript of the Record as follows, to-wit:

"Trial Examiner Batten: 'I think we are ready to proceed, and I think the offers of proof contemplate the period in or about March 18, 1937, and as to any strikes or matters of that kind which occurred during that period, and I think it is reasonable to go back to—I think the offers contemplated at least a period, I would say, from November on, and any things prior to that I will now rule aren't covered by the offers of proof, and therefore shouldn't be presented at this time, in line with my ruling directing the order of proof.'"

[fol. 297] for the reasons among others that said ruling was and is unfair and prejudicial to Respondent and demonstrates the Trial Examiner's bias against Respondent and denies to Respondent a fair trial and the opportunity to get evidence admitted on behalf of the Board and ILGWU and constitutes the taking of Respondent's liberty and property without due process of law in contravention of the Fifth Amendment to the Constitution of the United States.

103.

Respondent excepts to the rulings, action and comments of the Trial Examiner in the following excerpts from the transcript of the record at pages 4795-96-97-98, to-wit:

"Miss Weyand: I am going to hand the witness Board's Exhibit No. 2 and ask her to direct her attention to the second page thereof, which appears in the Circuit Court of

Appeals record at page 4362, and ask her to read an article there appearing, entitled 'Nine Hundred Join Loyalty League.' The article runs over to page 4363 of the Circuit Court of Appeals record.

Mr. Reed: What is that?

Miss Weyand: The article appears in the N. D. A. A. (being Nelly Don Athletic Association) News for February 1935.

Mr. Ingraham: We object to the witness being examined about what appeared in the Nelly Don Athletic Association News. There is no showing that the company had anything to do with the publication or is in any way responsible for anything that appeared in it.

Trial Examiner Batten: Of course, there isn't any question pending yet, Mr. Ingraham.

Mr. Lane: Mr. Examiner, wasn't it your ruling this morning that you were going to confine the examination at this point to matters occurring within a reasonable time prior to April 27, 1937?

Trial Examiner Batten: I say, there isn't any question pending yet to rule upon.

Mr. Lane: She is directing attention to what occurred in 1935.

Mr. Reed: I think if the Examiner will search his recollection, he will remember he refused to let Mr. Lane show the witness an article which lay outside of these limits, or examine about it.

(Thereupon the above-specified article was read by the witness.) . . . . .

[fol. 298] Q. (By Miss Weyand): Did you read that article when it appeared?

Mr. Ingraham: I object to that question as immaterial to any issue in this case.

Trial Examiner Batten: Overruled.

Mr. Lane: Intervener makes the same objection.



Trial Examiner Batten: Overruled.

A. I don't remember whether I read that or not.

Q. (By Miss Weyand): Have you ever read this article before?

A. I don't believe that I read it.

Q. Did you attend the meeting here described as a meeting at which 900 persons were present and cards were passed out for membership in the Loyalty League?

Mr. Ingraham: Now, I object to that question. It is outside the scope of the offers of proof, and the witness has stated that she did not read the article.

Mr. Reed: Outside of the scope of the ruling this morning made.

Trial Examiner Batten: Did you state, Miss Barnes, that you did not read this article?

A. I don't remember reading it in that pamphlet, no.

Trial Examiner Batten: Of course, the question now is did she attend the meeting of 900 people, is that right?

Miss Weyand: That is correct.

Trial Examiner Batten: You may answer.

Mr. Lane: I would like to have a continuing objection to showing the witness any article excluded by your ruling this morning. This witness was questioned about something that happened in 1935 and 1936, and the Board has gone back to 1935, and I want to object.

Trial Examiner Batten: Just a moment. You may have a continuing objection.

Mr. Ingraham: The respondent would like to have the same continuing objection.

Trial Examiner Batten: You may have the same continuing objection."

[fol. 299] for reasons among others that said testimony and the testimony adduced thereafter and appearing on pages 4798 to 4805 of the Record relating to the organization of the Loyalty League and similar matters is

wholly immaterial and irrelevant to any issue herein and contrary to the Trial Examiner's ruling that evidence of events occurring prior to six months before March, 1937 would not be received, and because said rulings are arbitrary, unfair and prejudicial to Respondent and demonstrate the biased and unfair attitude of the Trial Examiner toward Respondent and his non-judicial attitude toward the evidence by reason of all of which Respondent has been denied a fair trial and deprived of its liberty and property without due process of law.

104.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the Record at pages 4829-30-31-32 and 33, to-wit:

"Q. No one discussed those by-laws, did they?"

A. No.

Mr. Reed: Wait a minute. I think counsel ought not to try to mislead the witness. If he puts in part of these minutes, he ought to put in the qualifying phrase that it was explained that the by-laws could be changed at any time. Isn't that right in the minutes before you?

Mr. Langsdale: No. Here is what Mr. Tyler said about it, 'I suggest that if the by-laws are satisfactory someone move they be adopted'.

Mr. Reed: Is that all that was said?

Mr. Langsdale: And then the motion was made by Ellen Nokes that 'we accepted the by-laws as they were read; seconded by Virginia White, unanimous acceptance.'

Mr. Reed: Give me the minutes.

Mr. Langsdale: Senator, I am examining this witness. Wait until I get through.

Trial Examiner Batten: You may proceed. There is no question pending.

[fol. 300] "Mr. Lane: I submit that with respect to the minutes, he read only a portion of them.

Trial Examiner Batten: Of course, he hasn't read all the minutes; but I say, Mr. Lane, there is no question pending.

Mr. Lane: Well, his statement is incomplete and misleading.

Mr. Langsdale: Are you trying to suggest to the witness part of her answer?

Mr. Lane: No, I am not, but I am objecting to the misleading nature of your examination.

Trial Examiner Batten: If there is any misleading here, I think I would intercede. I am convinced he was not misleading anybody. Will you proceed, Mr. Langsdale?

Mr. Ingraham: We would like, before you proceed, to make an objection to the question, and move that the question and answer be stricken out.

Mr. Reed: Well, I move to strike out the question as misleading and improper for the reason that there is no connection with the other matter called attention to, which counsel did not refer to, although he apparently was reading from the records. This was said, 'I suggest to adopt, then, the bylaws, and then leisurely amend them, when the majority of you wish them changed. They are drawn as follows:' so that there was in this meeting a statement made that if they adopted them, then they could change them afterwards.

Now, I think Mr. Langsdale, perhaps inadvertently, omitted to call attention to that fact.

Mr. Langsdale: I didn't do it inadvertently. I don't have to read everything that happened at that meeting.

Trial Examiner Batten: Read the question and answer, please; there is a motion to strike.

(Thereupon the last question and answer were read by the reporter as follows:

'Q. No one discussed those by-laws, did they?

A. No.')"

Trial Examiner Batten: I don't see anything improper with that.

A. Mr. Examiner, I think before that I was asked if these by-laws were accepted, and I said they were accepted subject to change.

By Trial Examiner Batten:

Q. Well, then, you weren't misled by any questions Mr. Langsdale asked you, were you?

A. No, but he didn't read all of it.

Trial Examiner Batten: Well, if you weren't, the motion is denied. Let's proceed."

[fol. 301]

105.

Respondent excepts to the interposition of the Trial Examiner in the examination of witnesses throughout the hearing and has illustrated by the following excerpts from the transcript of the Record at page 4917, to-wit:

By Mr. Ingraham:

Q. I will ask you to state whether or not after Mr. Baty took over the plant there was any change, to your knowledge, of the authority of instructors, passing on hiring or laying off or disciplining employees.

A. I don't know as the instructors ever had that authority to hire and fire employees.

By Trial Examiner Batten:

Q. You mean by that, not knowing whether they ever had it, you couldn't say whether there was any change? Is that what you mean?

A. Oh, yes, there was a change—

Q. No. My question to you is, not knowing whether the instructors ever had the right to hire and discharge, you couldn't say whether there was any change?

A. I know they never had the right to hire and discharge.

Q. Well, then, can you say whether there was any change when Mr. Baty went in there?

A. Yes.

Q. As to hiring and firing?

A. Well, as to—I don't know, but—

Q. My question to you was, as Mr. Ingraham's question was, whether there was any change as to hiring and firing.

Mr. Langsdale: I think the question was a little more comprehensive than that.

Trial Examiner Batten: It may have been, but that was the point I was concerned about."

as showing the partisanship of the Trial Examiner against Respondent and his evident desire to elicit testimony favorable to findings and issues which he had already resolved in favor of the Board and against Respondent.

[fol. 302]/

106.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the record at pages 4945-46:

"Trial Examiner Batten: What did you understand it to mean?

A. My understanding was she was going to represent all of us.

Q. You mean from reading the article?

A. From reading the article.

Mr. Langsdale: We certainly are not bound by understanding of someone who doesn't understand the English language when she reads it. I ask that the answer be stricken out as utterly irrational and having no foundation or basis in the article.

Trial Examiner Batten: It may stand.

Mr. Reed: I am protesting against the insulting remark made to a witness on the stand.

Mr. Langsdale: I don't consider it insulting but when I get ready to make that kind of remarks I will come around and take some lessons from you.

Mr. Lane: I move to strike out the remarks of Mr. Langsdale for the reason they are argumentative and they are not directed to the question I asked. They are not proper remarks to be made by counsel.



Trial Examiner Batten: Do you have a question pending?

Mr. Lane: No, I am asking those remarks be stricken."

107.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the Record at pages 4962-63, to-wit:

"Q. When was the first Loyalty League meeting, can you recall?

A. Well, the first Loyalty League meeting I recall was in 1935, I think, when they joined the organization down there to the plant; the Loyalty League is a social affair — we joined our clubs together, each section had a club.

Mr. Lane: Mr. Examiner, may it be understood the intervenor, Donnelly Garment Workers' Union, has a continuing objection to inquiring into matters around 1935 or thereabouts? Your ruling was given when the intervenor was going into matters except those within a reasonable time prior to April 27, 1937.

[fol. 303] "Trial Examiner Batten: Well, of course, this question has nothing to do with my ruling, but I'll grant you the continuing objection.

Mr. Lane: Well, she is inquiring of something that occurred in 1935.

Trial Examiner Batten: Yes, concerning the Loyalty League, Mr. Lane.

Mr. Ingraham: It is understood the respondent still maintains its objection to any matters prior to July 15, 1939.

Trial Examiner Batten: I didn't understand it, unless you make it.

Mr. Ingraham: Well, I made an objection at the first hearing as to all matters that occurred prior to July 15, 1939.

Trial Examiner Batten: You mean your original objection in the first hearing?

Mr. Ingraham: That is correct.

Trial Examiner Batten: Well, of course, the objection you made at that time, I assume, continues through the entire hearing.

Mr. Ingraham: Well, that will be my understanding of it."

for the reasons, among others, that said rulings are contrary to the Trial Examiner's ruling refusing to permit Respondent to adduce evidence of matters occurring prior to six months before March, 1937, and for the further reason that said evidence does not tend to prove any of the charges against Respondent.

108.

Respondent excepts to the ruling of the Trial Examiner permitting counsel for the Board to interrogate the witness concerning Board's Exhibit 2 and other related matters appearing in the transcript of the Record at page 4983 over the objections of Respondent and Intervener, for the reason that said examination is contrary to the ruling of the Trial Examiner refusing to permit Respondent to adduce evidence prior to November, 1936, and for the further reason that said evidence does not tend to prove any of the charges against Respondent.

[fol. 304]

109.

Respondent excepts to the rulings and action of the Trial Examiner as set forth on pages 5006-07 of the transcript of the Record, to-wit:

"Q. Well, at that time did you learn that if you had a plant union and got a closed shop, that you could keep the I. L. G. W. U. out by firing everybody that joined it?

Mr. Reed: That is what you do all the time.

Trial Examiner Batten: Is that an objection, Senator?

Mr. Reed: Yes, I object to the question as improper, not proper cross-examination.

Trial Examiner Batten: Overruled.

A. What was the question?

Trial Examiner Batten: Read the question.

(Thereupon the last question was read by the reporter.)

Mr. Lane: Well, I object to that for the reason that it is not the situation, and never had been the situation, that everybody that joined the I. L. G. W. U. —

Trial Examiner Batten: Is that an objection?

Mr. Lane: Yes, that is an objection.

Trial Examiner Batten: What is the objection?

Mr. Lane: Because the question states a hypothetical situation.

Mr. Ingraham: Respondent makes the same objection.

By Mr. Langsdale:

Q. Did you know or did you learn that at that time, if you should form a plant union, get a closed shop agreement, that everyone would have to belong to that union?"

110.

Respondent excepts to the rulings, comments and action of the Trial Examiner as set forth in the following excerpts of the transcript of the Record (pages 5010-5011), to-wit:

[fol. 305] "Trial Examiner Batten: Of course, if the question is asked and answered, then an objection is not proper at this time is it?

Mr. Lane: You have been interrogating the witness yourself, so I didn't have an opportunity to make the objection. Now, my objection is, to the question Mr. Langsdale asked, the last portion of it, with respect to keeping — to preventing any employees from joining the I. L. G. W. U. — now, that is not a provision of the Wagner Act, and I submit counsel should not be permitted to ask that question, that if they get a closed shop they have a right to require all the employees to belong to that union, and the Wagner Act doesn't provide that every employee shall stay out of the I. L. G. W. U.

Mr. Langsdale: Well, I say, Mr. Lane ought to go and read the Wagner Act, and read some of the decisions.

Trial Examiner Batten: Well, if that is an objection; it is overruled, because the question has been put and the answer is in the record. So, you proceed, Mr. Langsdale."

111.

Respondent excepts to the rulings, action and comment of the Trial Examiner as set forth in the excerpts from the transcript of the Record at pages 5063-64, 65, to-wit:

"Q. Did you know that you were being paid far in excess of wages that were being paid in plants that had contracts with the I. L. G. W. U. in Kansas City?

A. I felt sure I was making far more than I would in some of these other factories.

Q. Was this article —

Trial Examiner Batten: How is that material? You say did she know. Well, of course, I have no objection to it, she has answered it. Of course, it doesn't mean that we are going into that whole question of whether, in fact, they were. The only question that will raise is whether or not this witness — what her own information is concerning the statement, whether it is supported by anything. I didn't want you to think that raises the whole issue of the truth.

Mr. Ingraham: We still contend that is an issue we are interested to go into and that even under your ruling, that is a factor that these employees have a right to consider.

Trial Examiner Batten: Yes, that is what I just said.

Trial Examiner Batten: I am only going into it to the extent I indicated. These witnesses have testified what it was that lead them to form the organization or why they did it. Now, I am permitting it to that extent and that doesn't mean I am excluding the testimony you indicated, Mr. Ingraham, that you still take the position it is an issue. I am not ruling on that matter now, only with respect to this witness' testimony."

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth on pages 5154 to 5160 and at pages 5168 to 5169 of the transcript of the Record as showing the bias and prejudice of the Trial Examiner towards Respondent and his evident desire to have elicited evidence unfavorable to Respondent even though the questions asked were clearly incompetent.

113.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the Record at pages 5203, 5204, 5205, to-wit:

"Q. Did you think you could ignore the Act up until the time the Supreme Court declared it constitutional?"

Mr. Reed: I object to that as incompetent and immaterial, entirely outside the issues in this case.

Trial Examiner Batten: Will you read the question, please?

(Thereupon the last question was read by the reporter, as follows:

"Did you think you could ignore the Act up until the time the Supreme Court declared it constitutional?")

Trial Examiner Batten: Do you understand the question?

Mr. Reed: Now, how does that throw any light on the issues?

Trial Examiner Batten: Do you understand the question, Mrs. Mudd?

The Witness: I understand the question, but I don't believe he quoted me right.

Trial Examiner Batten: Irrespective of whether he quoted you right or not, if you understand this question, you may answer.



Mr. Reed: I submit that question is incompetent and immaterial for any purpose, whether she thought she could ignore it or couldn't ignore it. She has simply said she read about the Act in the paper and she read it was before the Supreme Court, and there is no question of whether she wanted to ignore it or didn't want to ignore it; that is not in this case.

Trial Examiner Batten: Do you recall the question, Mrs. Mudd?

[fol. 307] "The Witness: Yes, but—

Trial Examiner Batten: You may answer."

114.

Respondent excepts to the rulings, action and comments of the Trial Examiner refusing to sustain Respondent's and Intervener's objections to questions propounded by the Board's counsel concerning the organization meetings of the Loyalty League and related matters extending back as far as 1935, which examination together with Respondent's and Intervener's objections appears at pages 5288 to 5301 of the transcript of the Record, for the reason that same are contrary to the rulings of the Trial Examiner limiting Respondent in the production of evidence to a time not prior to November, 1936, and because said rulings and action are emphatically unfair and prejudicial to Respondent, and by reason of which Respondent has been denied a fair trial herein.

115.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the Record at pages 5343-44, to-wit:

"Q. Did the thought occur to you that getting that Loyalty petition signed and getting the pictures in the paper might be the answer of the company to Perlstein's interview?

Mr. Reed: Read the question, please.

(Thereupon the last question was read by the reporter.)

Mr. Reed: I object to that as incompetent and immaterial and in no manner binding upon the parties to this case.

Mr. Stottle: And assuming as evidence something that is not in evidence.

Trial Examiner Batten: Do you understand the question.

The Witness: I was going to say—

Trial Examiner Batten: Well, do you understand the question that was asked you? Do you remember what it was?

[fol. 308] "The Witness: Well, it referred to the pictures going to be in the paper.

Trial Examiner Batten: Will you read the question please?

(Thereupon the last question was read by the reporter.)

Trial Examiner Batten: Do you understand the question?

The Witness: Not clearly; not that part of it, 'answer of the company'; I don't understand just what he means.

Trial Examiner Batten: Then, restate it, Mr. Langsdale. The witness says she doesn't understand the latter part of it.

By Mr. Langsdale:

Q. Was there anything that came to your mind about the company's getting this petition signed and then having pictures in the newspaper as an answer to Perlstein's interview that you read 4 days earlier?

Mr. Reed: I object to that as incompetent and immaterial and as assuming that the company had this petition signed, when all of the evidence is to the contrary.

Mr. Langsdale: It isn't assuming that at all. I am asking her —

Trial Examiner Batten: The objection is overruled."

for the reasons, among others, that same show the partisanship of the Trial Examiner and his desire to get into the Record an unfavorable statement of the witness with reference to the subject matter inquired about upon which the Trial Examiner was already committed in his previous finds and conclusions in this case.

[fol. 309]

116.

Respondent excepts to the ruling of the Trial Examiner that so far as the offers of proof are concerned and the employee witnesses are concerned with respect to respondent, that he had heard sufficient and that anything further would be cumulative and would not enable the Examiner or the Board or the Circuit Court to get any better picture of the situation, and excepts to the Trial Examiner's ruling and determination that he had heard enough employee witnesses both as to the respondent and intervenor, and in refusing to permit respondent to call any more employee witnesses or adduce any further testimony under respondent's offers of proof and excepts to his ruling and action in refusing to permit intervenor to put on any witnesses whatever or adduce any evidence whatever under the offers of proof, for the reasons, among others; that said rulings and action are contrary to the holding of the Circuit Court of Appeals in remanding the case and contrary to the order of the Board herein in ordering a further hearing of this matter; and for the further reason that respondent was prepared to call and place upon the stand all or substantially all of the witnesses named in the offers of proof referred to, and all of said witnesses would have testified to matters refuting each and all the charges against respondent and such testimony would have presented to the Trial Examiner, the Board and the Circuit Court of Appeals an overwhelming case sustaining respondent's contentions and refuting all of the charges against respondent, and because said rulings and action of the Trial Examiner deny to respondent an opportunity to adduce said material, competent and relevant evidence bearing on the issues involved herein, whereby respondent has been denied a fair trial and has been denied due process of law in contravention of the Fifth Amendment to the Constitution of the United States; all of said rulings

having been made over and against the objections of respondent.

[fol. 310] In connection with this exception, respondent refers to the following excerpts from the record (pages 5797, 5800), and excepts to the rulings, action and comments of the Trial Examiner set forth therein for each and all of the reasons hereinabove stated, to-wit:

"Trial Examiner Batten: Is there anything further?"

"Well, if not, I think I shall rule at this time that as far as the offers of proof are concerned, and the employee witnesses are concerned, with respect to the respondent, that I have heard sufficient; that anything further would be cumulative, and any addition wouldn't enable the Examiner or the Board or the Circuit Court to get any better picture of the entire situation, the light of the entire hearing, the entire record and exhibits. \* \* \*

"Trial Examiner Batten: Well, I feel, Mr. Tyler, if you want me to determine the question entirely myself, I take it that is in substance the same position which the respondent takes.

"Then, I will now determine that I have heard enough employee witnesses; both as to the respondent and the intervener.

"So, that disposes of that matter."

Respondent further excepts to said rulings and action of the Trial Examiner as constituting an abuse of any discretion vested in the Trial Examiner with reference to said matters and as being unfair and prejudicial to the respondent and intervener by reason of other rulings and action of the Trial Examiner, and by reason of his subsequent rulings permitting the Board and I. L. G. W. U. to adduce in rebuttal extensive evidence which was not proper rebuttal but which related to matters which if pertinent at all should properly have been adduced in the Board's case in chief; and respondent further excepts to all the rulings and actions for all the reasons set forth in its exceptions to said rebuttal evidence.



117.

Respondent excepts to the ruling and action of the Trial Examiner in striking out all of the testimony of the witness Mrs. Reed pertaining to the period subsequent to July, 1939, for the reasons among others that said testimony is competent, relevant and material to many, if not all of the issues involved in this case; and for the further reason that said ruling does not designate with any degree of certainty the particular evidence which it was the intention of the Trial Examiner to strike; and for the further reason that the Trial Examiner has permitted testimony to be adduced by the Board and I. L. G. W. U. relating to the same matters to which said stricken testimony relates, and the striking of same is unfair and prejudicial to respondent and denies to respondent a fair trial herein and denies to respondent due process of law in contravention of the Fifth Amendment to the Constitution of the United States; all of said rulings and action having been taken over and against the objections of respondent.

In connection with this exception, respondent refers to the following excerpts from the transcript of the record (pages 5800, 5801), and excepts to the rulings and action therein set forth for each and all of the reasons hereinabove stated, to-wit:

"Trial Examiner Batten: \* \* \* Now, there are two or three other matters that I think I should dispose of with respect to Mrs. Reed. I am now striking out all of her testimony which pertains to the period subsequent to July 1939, in accordance with a ruling which I made after Mrs. Reed testified. \* \* \*

"Trial Examiner Batten: So, any matters after that are stricken."

118.

Respondent excepts to the rulings and action of the Trial Examiner in rejecting the offer of proof made by respondent with respect to the testimony of witness Wave Tobin which offer of proof is designated as Board's Exhibit 1-SSSSS and to the Trial Examiner's determination



that the matters therein are not material to the issues herein, and excepts to the ruling and action of the Trial Examiner in ruling and determining that the testimony already given in the hearing by said witness Wave Tobin is not material or relevant to the issues herein, and excepts to the Trial Examiner's ruling and action in striking out the testimony of said witness Wave Tobin, for the reasons among others that said testimony given by said Wave Tobin and that offered to be proved by her in said offer of proof was and is competent, material and relevant to the issues herein, and for the further reason that said testimony so stricken and said testimony so offered to be proved by said witness relates to matters as to which the Trial Examiner permitted the Board and the I. L. G. W. U. [fol. 312] to adduce testimony, and the striking out of the testimony so given and the refusal to receive the testimony so offered is unfair and prejudicial to respondent, and deprives respondent of a fair trial herein and of its liberty and property without due process of law in contravention of the Fifth Amendment to the Constitution of the United States; all of said rulings and action having been taken by the Trial Examiner over and against the objections of respondent.

In connection with this exception, respondent refers to the following excerpts from the transcript of the record (pages 5802, 5803), and excepts to the rulings, actions and comments of the Trial Examiner therein set forth for each and all of the reasons hereinabove stated, to-wit:

"Trial Examiner Batten: Now, I think there is one other matter, the matter with respect to Wave Tobin. I believe at the time that matter came up Mr. Ingraham presented an offer of proof and a protest against the ruling of the Examiner, which I made on August 19, 1942, which is Board's Exhibit 1-SSSSS. Now, as far as the offer of proof is concerned, I have gone over Board's Exhibit 1-SSSSS, and I don't consider that there are any matters in there which are material in the hearing, and therefore I reject the offer of proof; and furthermore—\* \* \*"

"Trial Examiner Batten: And furthermore, with respect to the testimony which Wave Tobin has thus far

given, I have reviewed that, and I do not consider that it is material or relevant to the issues, in this case, and accordingly it is stricken.

Now, with these rulings I think, Mr. Ingraham, we are ready to proceed."

Respondent further excepts to said rulings and action of the Trial Examiner because of his subsequent rulings permitting the Board and I. L. G. W. U. to adduce in rebuttal evidence relating to matters which said witness would have testified concerning, and permitted evidence in rebuttal which was not proper rebuttal but which related to matters which should properly have been adduced in the Board's case in chief, if pertinent at all.

[fol. 313]

119.

Respondent excepts to the rulings and action of the Trial Examiner in refusing to restrict the evidence of the Board and ILGWU after Respondent and Intervener rested in the further hearing, to proper rebuttal evidence and in permitting the Board and ILGWU to adduce extensive testimony which, if pertinent at all to the issues, was properly a part of their case in chief, and not proper to be offered in rebuttal.

These rulings arose upon Respondent's objections to the question asked of Board's witness Etta Dorsey at page 5844 of the Record as follows: "Q. How did you learn of that meeting?" (referring to the organization meeting of the Donnelly Garment Workers' Union on April 27, 1937), as not being proper rebuttal testimony, and upon Respondent's motion to strike the answer given and upon Respondent's objection to the succeeding question (at page 5844-45): "Q. Do you know how the girls working in your section learned of the meeting?" as not being proper rebuttal testimony. The next fifty pages of the Record contain a discussion of this objection, as a result of which the Trial Examiner permitted the answer given to stand and permitted the Board to continue the examination upon matters covered by the Board's case in chief. To this ruling and action of the Trial Examiner Respondent excepts for all the reasons and grounds set forth in the statements and

arguments of Respondent's and Intervener's counsel appearing at pages 5844 to 5895 inclusive of the Record; and for the same reasons excepts to all the testimony thereafter adduced by the Board and ILGWU from said witness Etta Dorsey in pursuance of said ruling and action of the Trial Examiner.

[fol. 314] In connection with this exception and for convenience Respondent refers to the following excerpts from the transcript of the Record (pages 5844, 5845, 5848, 5857, 5859, 5886 and 5894) setting forth the Trial Examiner's position and rulings to which rulings and action Respondent excepts for all the reasons aforesaid, which are too voluminous to be stated here, and for the further reasons that said ruling is unfair and prejudicial to Respondent in view of the Trial Examiner rulings limiting Respondent's and Intervener's evidence to the offers of proof and in restricting Respondent to some ten or eleven employee witnesses and in refusing to permit Intervener to put on any witnesses, and because in applying said ruling the Trial Examiner permitted the Board and ILGWU to go far beyond even the limits set by the Trial Examiner in his said ruling as to rebuttal evidence, and as set forth in said excerpts from the transcript of the Record, by reason of all of which Respondent has been denied a fair and impartial trial and due process of law as guaranteed by the Fifth Amendment to the Constitution of the United States. The excerpts above referred to are as follows:

"Q. How did you learn of that meeting?"

Mr. Ingraham: I object to that. It is not proper rebuttal.

Miss Weyand: This is a preliminary question.

Trial Examiner Batten: Well, if it is preliminary, she may answer.

By Trial Examiner Batten:

Q. Do you want the question read?

A. No, that's all right. Well, I don't remember, but it was either by telephone or by Mrs. Wheery telling us; she usually went around and told the instructors.

Mr. Ingraham: Now, I move that the answer be stricken out; it is not a preliminary question, it is an attempt to prove the Board's case in chief, not proper rebuttal.

[fol. 315] "Trial Examiner Batten: Well, I'll determine whether it is preliminary. You may proceed.

Mr. Reed: I couldn't hear your closing ruling.

Trial Examiner Batten: I said I will determine whether it is preliminary.

Mr. Reed: This answer, now, is not a preliminary answer.

By Miss Weyand:

Q. Do you know how the girls working in your section learned of the meeting?

Mr. Ingraham: I object to that question as not proper rebuttal." (p. 5844-45).

"Trial Examiner Batten: Well, all I can say is, Senator, I am going to require that Miss Weyand confine it to rebuttal. I further want to say that this undoubtedly is preliminary in nature. Now, if this lady, who was there at the time, is in position to testify concerning these definite things which these people testified to, I think it is rebuttal.

Now, I have no idea, and will say so now, of permitting Miss Weyand or Mr. Langsdale to go into this entire subject matter in any form or fashion, and it is confined to rebuttal." (p. 5848)

"Trial Examiner Batten: Of course, there is possibility of that, Senator, providing I were to permit it. Now, we may differ as to just what is rebuttal. I think clearly Miss Weyand's first statement is entirely out of line, as far as I am concerned. I mean by that that you aren't going to try all the issues of this case over again, but I am still convinced in my own mind that if this witness testifies about these matters, which these four or five or six girls testified about here, that were in her section, and about specific matters in their testimony in the record, I don't see why that isn't rebuttal." (p. 5857)

"Trial Examiner Batten: Well, Mr. Langsdale, I think my statement that I have made two or three times, about what is rebuttal, would cover, perhaps, that matter. Where a specific witness — you had several specific witnesses say that they worked in section 415 during March and April, that the instructor did not tell them to go to this meeting, nor did she say anything to them." (p. 5859).

[fol. 316] "Trial Examiner Batten: I think that particular matter is in line with the suggestion which I indicated this morning, without having given any thought to the matter. As a matter of fact, I am more certain now, after having given the matter some thought, that my statement this morning concerning it is correct, and I am equally certain that my statement to Miss Weyand this morning about her first proposition is correct. So, as the result of two hours or two and a half hours of giving it some thought and listening to all counsel, I am still of the opinion that my statement on it this morning was substantially correct." (p. 5886).

"Trial Examiner Batten: Miss Weyand, you may proceed, in line with the suggestions which I made this morning, and if you have any other testimony in line with your other suggestion, you make it as an offer." (p. 5894).

120.

At pages 5895 to 5899 of the Record Respondent objected to questions as shown by the following excerpts from the Record and was allowed a continuing objection to said line of questioning, to-wit:

By Miss Weyand:

"Q. Do you know how the girls working in your section learned of the meeting at which the union was organized?

Mr. Hogsett: That is objected to for all of the reasons heretofore asserted as not proper rebuttal and particularly unless the question is limited to the particular witnesses heretofore offered by respondent, by name.



Trial Examiner Batten: Well, you may answer the question, and then you may proceed, Miss Weyand, to bring it within the ruling which I have made. (p. 5895)

"(Thereupon the last question was reread by the reporter, as follows:

"Q. Do you know how the girls working in your section learned of the meeting at which the union was organized?"

A. Yes, I do.

By Miss Weyand:

Q. How did they learn that?

A. I told the girls.

Mr. Hogsett: That is objected to, unless the question is confined to witnesses offered by respondent who were working there in her section. (p. 5896)

[fol. 317] By Miss Weyand:

"Q. Was Oma Lee Cooper working in your section at that time?

Mr. Reed: I make the same objection.

Trial Examiner Batten: Well, Senator, I assume we may have the same arrangement we have pursued here all the time, a continuing objection if you so desire.

Mr. Hogsett: Yes, we do.

Trial Examiner Batten: In order that you don't have to object to every question, that will continue through with this witness. Of course, it will be necessary to renew it on the next witness.

Mr. Tyler: The same objection will be allowed for the intervenor, as to this witness, I take it?

Trial Examiner Batten: Yes, that is correct. Let me say this, we will get started here pretty soon, I guess. You may have a continuing objection.

Now, that means to either the respondent or the intervenor I am granting a continuing objection to Miss Wey-

and's examining this witness within the bounds of what I indicated that I thought was proper.

Now, if Miss Weyand exceeds the bounds, I of course, would expect counsel to object, not upon the basis of my ruling, but upon the basis of my statement to Miss Weyand that I don't propose to go into all inclusive matters." (pp. 5898-99).

Respondent excepts to the rulings and action of the Trial Examiner in admitting said testimony and in permitting the Board's counsel to continue said line of questioning, and excepts to the rulings and action of the Trial Examiner in overruling Respondent's and Intervener's objections to each and all of the questions asked by Board's counsel of the witness Etta Dorsey at pages 5895 to 5944 of the transcript for the reasons, among others, that said testimony is not rebuttal and does not come within the Trial Examiner's ruling as to rebuttal evidence, and covers matters which Respondent was not permitted to go into in said further hearing herein, and because the admission of same is unfair and prejudicial to Respondent and denies to Respondent a fair trial and due process of law.

[fol. 318]

121.

Respondent excepts to the rulings, action and comments of the Trial Examiner denying and overruling each and all of the special objections made by Respondent and Intervener to particular portions of said testimony of Etta Dorsey, which objections and rulings appear on each and all of the following pages of the transcript, to-wit, 5900 to 5904 inclusive, 5907 to 5911 inclusive, 5913, 5914, 5916 to 5922 inclusive, 5924 to 5929 inclusive, 5931 to 5936 inclusive, 5938 to 5941 inclusive and 5943 respectively, for each and all of the reasons given in said respective objections and for the further reason that said questions related to matters which the Trial Examiner refused to permit Respondent and Intervener to go into in further hearing, and because same does not come within the Trial Examiner's ruling as to rebuttal evidence, and because by the admission and consideration of said testimony Respondent has been denied a fair trial and due process of law.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the Record at pages 6042-6043, to-wit:

"Q. Did the mere fact that you said, 'There is to be a meeting of the employees,' in your opinion amount to an order to attend it?

A. Well, the girls felt like I had the authority—I was given that authority. See?

Mr. Tyler: Now, I object—

Mr. Langsdale: Just a moment. He asked the question, and I suggest that he keeps still until she answers it, and then if he wants to move to strike out any part of it, all right.

Trial Examiner Batten: Just a moment.

Read the question and answer, please.

(Thereupon the last question and answer were read by the reporter).

[fol. 319] "Trial Examiner Batten: Now, finish your answer.

A. (Continuing) The girls felt like I had the authority to tell them what to do, and when I said, 'Do this,' they usually did it.

Mr. Tyler: Now, I move that the answer be stricken out, because it doesn't state whether she felt she was giving the order, but only what she assumes the employees understood, which wasn't the question, and is a conclusion of the witness.

Mr. Langsdale: I submit, the answer is a perfect answer to his question. Certainly she has a right to judge from appearances and conduct of these people. And this is a [preety] late day for Mr. Tyler to be talking about conclusions of the witness.

Mr. Stottle: Respondent objects because it is not responsive at all to the question."

123.

Respondent excepts to the rulings and action of the Trial Examiner in overruling Respondent's objection to the Board's questions of the witness Lola Skeens as shown in the following excerpts from the transcript of the Record at pages 6096-6098 and 6100 of the transcript, to-wit:

"Q. Do you know of any occasions upon which she went to Mr. Tyler's office or attended to business of the Donnelly Garment Workers' Union during working hours?

Mr. Hogsett: Objected to as not rebuttal of anything in the respondent's case.

Trial Examiner Batten: You may answer.

Mr. Reed: Now, that embraces more than whether she went to his office. The question is, whether she knows of any occasion when she went to his office or attended to business of the union on company time. Now, that is not in rebuttal of anything we have put in this case.

Q. Do you know how the girls working in your section learned of the meeting?

A. I told them.

Mr. Ingraham: May respondent have a continuing objection to this line of questioning?

Trial Examiner Batten: Yes.

[fol. 320]- "Mr. Hogsett: As not rebuttal.

Trial Examiner Batten: I presume it is upon the same grounds stated as to the previous witness."

for the reason that said testimony and rulings do not come within Examiner's ruling as to rebuttal evidence and relates to matters which Respondent and Intervener were not permitted to go into in said further hearing and the admission of same is unfair and prejudicial to Respondent and denies to Respondent a fair trial and due process of

law. In pursuance of the continuing objection allowed to Respondent by the Trial Examiner to said line of questions and testimony, Respondent further excepts to the admission of the testimony thereafter adduced by the Board and ILGWU from said witness Lola Skeens in pursuance of said ruling and action of the Trial Examiner appearing in the transcript of the Record at pages 6098 to 6114 inclusive and at pages 6166 to 6168 inclusive, for the reason that same is not proper rebuttal evidence but if pertinent to the issues at all was a part of the Board's case in chief, and for the further reason that same does not come within the limits set by the Trial Examiner as to rebuttal evidence and for the further reason that same relates to matters which the Trial Examiner refused to permit Respondent and Intervener to go into in said further hearing herein, and because the admission of same is unfair and prejudicial to Respondent and denies to respondent a fair trial and due process of law.

## 124.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the Record at pages 6172 to 6174 inclusive, to-wit:

[fol. 321]. "Mr. Hogsett: If the Court please, we object to this line of examination on the ground that it isn't rebuttal of anything. In other words, it is just going into the Board's case in chief again.

Trial Examiner Batten: I think it is, insofar as it attempts to determine what transpired at the meeting.

Mr. Hogsett: Yes, that is the line of inquiry I am now objecting to.

Trial Examiner Batten: But, of course, part of this testimony, as I recall it, was this witness' statement as to why she joined.

Mr. Hogsett: Which is not rebuttal either.

Trial Examiner Batten: Well, let's take them one at a time. I agree with you that the other matter, I don't believe is, the matter as to what transpired. But I gathered



from the questions that it was an attempt of Miss Wey-and's to set the time of the occurrence rather than what transpired.

Mr. Hogsett: Then, if that is so, I move to strike all of the testimony of this witness as to what transpired at the meeting of April 27, 1937, because it isn't proper rebuttal.

Trial Examiner Batten: I think it may stand, because I think that was the purpose of it.

Mr. Hogsett: And I move to strike out what occurred at the latter meeting, for the same reason.

Mr. Ingraham: May respondent have a continuing objection to this testimony, for reasons we have heretofore given?

Trial Examiner Batten: Yes. Of course, I agree that going into what transpired at the meeting is not proper rebuttal, but, as I said before, I don't think that is the purpose of it."

for the reason that said testimony is not proper rebuttal evidence and in pursuance to the continuing objection allowed Respondent by the Trial Examiner Respondent excepts to said rulings and to the admission of all the testimony of said witness Geneva Copenhaver adduced by the Board and ILGWU in pursuance of said ruling and action of the Trial Examiner, appearing in the transcript of the Record at pages 6169 to 6200 inclusive, and pages 6280 to 6287 inclusive, for the reason that said testimony is not proper rebuttal evidence, and does not come within the limits of the ruling of the Trial Examiner as to rebuttal evidence and relates to matters which the Trial Examiner [fol. 322] refused to permit Respondent and Intervener to go into in said further hearing and is contrary to former rulings of the Trial Examiner and the admission of same is unfair and prejudicial to Respondent and denies to Respondent a fair trial and due process of law.

Respondent excepts to the rulings and action of the Trial Examiner as set forth in the following excerpts from

the transcript of the Record at pages 6176-77-78 for the reasons stated in Respondent's objections therein made, to-wit:

"Miss Weyand: I offer Board's exhibit No. 37 for identification in evidence.

Mr. Reed: We object—

Trial Examiner Batten: What—For the purpose of indicating it recalled to the witness' mind that she attended the meeting?

Miss Weyand: No. I want to offer it for the purpose of showing that every girl that attended that meeting, as far as I can see, is in uniform. I think that is proper evidence for the Board to consider in connection with the testimony—

Trial Examiner Batten: I am certain everything said officially there is in the record. It doesn't make any difference. I will receive it, and I am receiving it on the same basis I have received other newspaper articles which have been received thus far—I think, about 38 of them.

Mr. Reed: We object as incompetent and immaterial and not proper direct examination, undertaking to introduce into the case as substantive evidence a mere newspaper article, and as not proper rebuttal.

Mr. Langsdale: I understand the article itself is not offered but merely the picture.

Trial Examiner Batten: Well, I have received it."

[fol. 323]

126.

Respondent excepts to the rulings, actions and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the Record at Pages 6178-79 and 6182; to-wit:

"Q. Were you working on the same floor with Sylvia Hull the last day Sylvia Hull worked for the company?

A. Yes, I was.

Q. Do you recall what happened that morning?

Mr. Tyler: We object. The Sylvia Hull incident is in no sense proper rebuttal. It was gone into in long detail in the case of the Board in chief.

Mr. Hogsett: Your Honor, I ask you to just stop for a second and think if this is rebuttal—everything is rebuttal that pertains to the case in any way.

Trial Examiner Batten: Of course, my idea of the Sylvia Hull incident is this—I tried to, I think, in my talk here a month or so ago, indicate I did not think it was within the offers of proof upon which I was taking testimony, but I don't remember whether Mr. Tyler, or who it was, convinced me that I was wrong. I know Mr. Langsdale very strenuously opposed it and said it was a closed book.

Mr. Hogsett: I ask you to draw the line somewhere, if the Examiner please.

. . . . .

Trial Examiner Batten: As I recall, both witnesses presented by the Board so far has been permitted to testify about the matter.

Mr. Langsdale: Yes.

Trial Examiner Batten: You may proceed, Miss Weyand."

for each and all the reasons therein stated in Respondent's and Intervener's objections and for the further reason that said questions relate to matters which the Trial Examiner refused to permit the Respondent and Intervener to go into in said further hearing and because same does not come within the limits of the ruling made by the Trial Examiner as to rebuttal evidence and because same are contrary to former rulings made by the Trial Examiner in said further hearing and because same are unfair and prejudicial to Respondent and deprived Respondent of a fair trial and due process of law.

[fol. 324]

127.

Respondent excepts to the ruling and action of the Trial Examiner in refusing to permit respondent to recall Wave

Tobin to the stand, as shown by the following excerpts from the transcript of the record at page 5815, to-wit:

"Mr. Reed: Now, Your Honor said for us to proceed. We would now like to recall Wave Tobin, we haven't finished her examination.

"Trial Examiner Batten: Well, I think, Senator, I disposed of that matter by my ruling on the offer of proof, and so forth."

128.

Respondent excepts to the rulings and action of the Trial Examiner as set forth in the following excerpts from the transcript of the record at pages 6189, 6190, to-wit:

"Q. Did you consider your instructors as supervisors?

"A. Absolutely.

"Mr. Ingraham: Now—

"Trial Examiner Batten: Just a moment?

"Mr. Ingraham: Now, I move to strike the answer out as not proper rebuttal.

"Trial Examiner Batten: Well, the answer may be stricken. While you make your objection—I assume you had one?

"Mr. Ingraham: Yes. I object to the question on the ground that it is not proper rebuttal.

"Trial Examiner Batten: You may answer.

"Mr. Lane: The intervener makes the same objection.

"Trial Examiner Batten: You may answer.

"A. Absolutely, I regarded her as being my supervisor.

"Q. (By Miss Weyand) Why?

"Mr. Ingraham: May I have a continuing objection?

"Trial Examiner Batten: Yes. Well, I think there is already a continuing objection on this witness.

"Mr. Ingraham: Well, if not, I want a continuing objection."

And further excepts to the admission of subsequent testimony of the same nature received in pursuance of said ruling.

[fol. 325]

129.

Respondent excepts to the ruling and action of the Trial Examiner as set forth in the following excerpts from the transcript of the record at pages 6197, 6198, to-wit:

"Q. Do instructors eat in the cafeteria with the other girls?

"A. They eat—

"Mr. Ingraham: (Interrupting). Now, I object to that question for the reason it is immaterial to any issue in this case, and it is not proper rebuttal.

"Mr. Hogsett: If I may supplement by this suggestion, that illustrates the thin character of this Board's case, that they would have to rely on the fact that domination could be shown by an instructor eating in the same cafeteria. Now, that is getting down to pretty thin stuff, I submit, and the subject matter is wholly immaterial.

"Miss Weyand: I don't offer to prove they eat in the same cafeteria. That isn't the purpose of this question.

"Mr. Hogsett: Well, it is in the same field, the same atmosphere.

"Trial Examiner Batten: You may answer the question.

"Mr. Lane: The intervenor makes the same objection, it is not rebuttal.

"Trial Examiner Batten: The same ruling."

130.

Respondent excepts to the ruling and action of the Trial Examiner in sustaining objection to the question asked by counsel for the intervenor of the witness Geneva Copenhaver at page 6250 of the record as to what was her husband's occupation.



Respondent excepts to the ruling and action of the Trial Examiner in permitting the witness Bessie Weilert to testify as to matters which were not proper rebuttal evidence over the objections of the respondent and intervener; which objections appear in the transcript of the record at page 6311 as follows, to-wit:

"Q. (By Miss Weyand) Had you ever seen Mr. Tyler before the meeting at which the union was formed?"

"A. No."

"Mr. Lane: Mr. Examiner, with respect to all of these questions, the intervener objects, with respect to this witness, as not proper rebuttal."

[fol. 326] "Trial Examiner Batten: You may have a continuing objection."

"Mr. Ingraham: Respondent makes the same objection."

"Trial Examiner Batten: You may have a continuing objection."

And respondent excepts to the rulings and action of the Trial Examiner in permitting the Board's counsel and counsel for the I. L. G. W. U. to continue said line of questioning of the witness Bessie Weilert and excepts to each and all the questions asked by Board's counsel and by counsel for the I. L. G. W. U. of said witness as set forth in the record at pages 6308 to 6355 inclusive, 6358 to 6360 inclusive, 6435 to 6458 inclusive, 6496 to 6514 inclusive and 6528, in pursuance of said continuing objection, and excepts to each and all the rulings of the Trial Examiner permitting said evidence to be adduced, for the reasons among others that said testimony is not proper rebuttal evidence and does not come within the Trial Examiner's ruling as to rebuttal evidence, and for the reason that same relates to matters which respondent and intervener were not permitted to go into in said further hearing, and is contrary to prior rulings of the Trial Examiner and the admission of same is unfair and prejudicial to respondent and denies to respondent a fair trial and due process of law.

132.

Respondent excepts to the rulings, action and comments of the Trial Examiner in refusing to sustain the objections and motions to strike of the respondent and intervenor to the testimony given by the witness Bessie Weilert at pages 6315 to 6317 inclusive, for the reason that said testimony was not proper rebuttal testimony, related to a time prior to November, 1936 to which the Trial Examiner limited respondent in its examinations and related to alleged events occurring prior to the enactment of the National Labor Relations Act, and is wholly immaterial, incompetent and irrelevant to the issues herein.

[fol. 327]

133.

Respondent excepts to the rulings and action of the Trial Examiner in refusing to sustain respondent's objections and motion to strike out the answers and testimony of the witness Bessie Weilert given at pages 6327 to 6329 inclusive, for the reason that said testimony was not responsive to the questions asked and was not proper rebuttal testimony.

134.

Respondent excepts to the ruling and action of the Trial Examiner in refusing to strike out the answer of the witness referred to in the following excerpts from the transcript of the record at page 6343, to-wit:

"Q. Do you know Mrs. Gray?"

"A. I do."

"Q. Who is she?"

"A. She was manager of our outside store."

"Mr. Langsdale: I didn't get the answer."

"A. She was manager of our outside store, to my knowledge."

"Q. (By Miss Weyand) How do you know she is the manager?"

"A. Well, we always had to see Mrs. Gray if we wanted anything in the store, to see Mrs. Gray, and when it was remnant bundles, she would send i. d. m.'s, and say it was the remnant bundles."

"Mr. Reed: I can't understand the witness.

"Trial Examiner Batten: Will you read the answer, please?

"(Thereupon the last answer was read by the reporter.)"

"A. And her signature was on the i. d. m.

"Mr. Lane: Now, I move to strike out the answer that Mrs. Gray was manager of the store, for the reason it is a mere conclusion; and the following answer of the witness doesn't state any facts upon which the conclusion can properly be based.

"Trial Examiner Batten: It may stand."

[fol. 328]

135.

Respondent excepts to the ruling of the Trial Examiner at pages 6349, 6350, permitting the witness Bessie Weilert to state that she considered the Donnelly Garment Workers' Union a company dominated union or a company union and to state why she thought so, as follows: "A. Because it seems it never done any good when you took grievances up with that committee; I never did get anywhere when I was on the committee, and everything went just as the company seen fit."

136.

Respondent excepts to the rulings, action and comments of the Trial Examiner at pages 6444 to 6446 inclusive, in permitting the witness Bessie Weilert to answer the question of counsel for the I. L. G. W. U., to-wit: "Q. (By Mr. Langsdale) So then this part of this document, which you signed, is not true?" and the question: "Q. (By Mr. Langsdale) Or 'That said meeting was convened after the close of working hours at the plant.' That is not true, is it?" and in overruling respondent's and intervenor's objections thereto.

137.

At page 6497 of the record, counsel for the Board asked the following question and the witness Bessie Weilert made the following answer, to-wit:

"Q. (By Miss Weyand): Have you ever heard any girl, as a result of complaining in a union meeting or to a committee or anywhere, complain that she had been treated unfairly because she had made the complaint?"

"A. I don't know that they put it in those words, that it was merely because of the complaint, but I think it was done, plenty of them."

Respondent and intervenor moved to strike out the answer and particularly that part of the answer "but I think it was done, plenty of them" and the Trial Examiner ruled that it should stand, to which ruling and action respondent excepts, for the reason that said answer is a conclusion, not proper rebuttal and prejudicial to respondent.

[fol. 329]

138.

At page 6536 of the record, the following occurred:

"Q. I hand you I. L. G. W. U. exhibit No. 10 which appears at pages 5375 and 5961 of the Circuit Court of Appeals record and ask you to state when you first heard of that petition.

"A. In the early spring of 1937.

"Q. Where were you when you first heard of it?

"A. In Mrs. Reed's home."

"Q. What was the conversation that took place on that occasion?

"A. Well, I had just come home from New York, and—

"Mr. Lane: Just a moment, if Your Honor please. The intervenor objects to this and all similar questions. It is not proper rebuttal testimony.

"Mr. Hogsett. We join in that objection.

"Trial Examiner Batten: Overruled."

Respondent excepts to the ruling and action of the Trial Examiner as set forth in the foregoing excerpts and further excepts to his action in permitting the Board's counsel and counsel for the I. L. G. W. U. to continue said line of questioning of the witness Marguerite Keyes, and further excepts to each and all the questions of said counsel to said witness, appearing in the transcript of the record at pages 6535 to 6552 inclusive, for the reason that said testimony

is not proper rebuttal evidence and does not come within the limits of the ruling as to rebuttal evidence made by the Trial Examiner, and for the reason that same relates to matters which respondent and intervenor were not permitted to go into in said further hearing and is contrary to prior rulings of the Trial Examiner, and the admission of same is unfair and prejudicial to respondent and denies to respondent a fair trial and due process of law.

139.

At pages 6572-6573 of the record appears the following:

"Q. Did you attend any meetings of the Loyalty League?

"Mr. Tyler: Intervenor objects, because this is not proper rebuttal.

"Mr. Hogsett: We join in that objection, asking that counsel be restricted to rebuttal.

[fol. 330] "Trial Examiner Batten: You may proceed.

"Mr. Hogsett: May we have a continuing objection, as in the case of other witnesses?

"Trial Examiner Batten: Yes.

"Mr. Tyler: And the intervenor also?

"Trial Examiner Batten: Yes."

Respondent excepts to the rulings and action of the Trial Examiner as set forth in the foregoing excerpts from the record and further excepts to the rulings and action of the Trial Examiner in permitting Board's counsel and counsel for the I. L. G. W. U. to continue examination of said witness May Stevens, and excepts to each and all the questions asked by Board's counsel and by counsel of the I. L. G. W. U. of said witness as set forth in the transcript of the record at pages 6573 to 6595 inclusive and 6638 to 6647 inclusive, and excepts to each and all the rulings of the Trial Examiner permitting said evidence to be adduced on behalf of the Board and I. L. G. W. U., for the reasons among others that said testimony is not proper rebuttal evidence and does not come within the Trial Examiner's ruling as to rebuttal evidence, and for the reason that same



relates to matters which respondent and intervener were not permitted to go into in said further hearing and is contrary to prior rulings of the Trial Examiner, and the admission of same is unfair and prejudicial to respondent and denies to respondent a fair trial and due process of law.

140.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the record at pages 6581, 6582, 6584, to-wit:

"Q. What made you feel that way?

"A. Well, the Fern Sigler incident, just previous to that, and by Mrs. Donnelly saying we would never have to have a union, and I decided that they had changed so sudden that it was surely something for the company and I had better join. And when in 1934, when I was in another shop, at Twenty-sixth and Main, I met the Donnelly girls they had sent to that plant that were union girls—

"Mr. Reed: Oh, wait a minute, now. That certainly is not rebuttal.

[fol. 331] "Trial Examiner Batten: Now, let the witness finish, Senator. If there is something you think should be stricken, all right, but don't interrupt the witness.

"Read the answer thus far, please.

"(Thereupon the last answer was read by the reporter.)

"Trial Examiner Batten: Finish your answer.

"A. (Continuing) —and talked to them most every day about the conditions and why they were sent down there, and they were told that they were not making their guarantee, and they knew it was because they were union girls and that they would eventually be laid off.

"Mr. Reed: I move to strike that as incompetent, immaterial, and as not rebuttal, being mere hearsay, and binding on no one. I think the Examiner excluded us from the right to even ask questions about 1934.

"Trial Examiner Batten: Well, Senator, assuming I did, hasn't this witness a right to say why she felt that way? \* \* \*

"Trial Examiner Batten. \* \* \* It may stand."

for the reasons therein stated and because said ruling is unfair and prejudicial to respondent and shows the bias and prejudice of the Trial Examiner against respondent.

141.

Respondent excepts to the rulings and action of the Trial Examiner in refusing to permit the witness May Stevens to answer the following question appearing in the record at page 6606, to-wit:

"Q. By the way, what was your husband then, an organizer for the Union?", and in rejecting the following offers of proof made by respondent and intervener appearing in the transcript of the record at pages 6608, 6609, to-wit:

"Mr. Hogsett: We offer to prove that the witness on the stand that at the time concerning which she has been testifying, namely, in February, March, and April, 1937, and continuously up to the present time, her husband then was and at all such times has been and is now an organizer for a labor union.

"Trial Examiner Batten: Well, I'll reject the offer on the basis of what I have just said."

"Mr. Hogsett: Yes, Mr. Ingraham says that we desire now to make a similar offer of proof in relation to Geneva Copenhaver. \* \* \*

"Mr. Tyler: Intervener asks to be allowed to join in both offers of proof.

"Trial Examiner Batten: You don't mean Mr. Langsdale's proof.

"Mr. Tyler: No, Mrs. Copenhaver and this one.

"Trial Examiner Batten: Both of the offers made by Mr. Hogsett? Mr. Tyler wants to join in the two offers of proof made by Mr. Hogsett."

Respondent excepts to the rulings, action and comments of the Trial Examiner in sustaining objection to the following question asked by respondent of the witness May Stevens at page 6662, to-wit:

"Q. (By Mr. Hogsett) Do you remember the taking of an oath in such a way that you would knowingly make a false affidavit?"

and in rejecting respondent's offer of proof (page 6663) that the witness if permitted to answer said question, would answer same in the affirmative.

Respondent excepts to the comment of the Trial Examiner embraced in the words "without all of the flourishes" contained in the following excerpt from the transcript of the record at page 6667, to-wit:

"Q. The fact is, the Sylvia Hull incident occurred some seven weeks after the March 2 paper was signed by the employees, didn't it?"

"Mr. Langsdale: I object to that as argumentative.

"Trial Examiner Batten: The question is, Did the Sylvia Hull incident occur seven weeks after?—without all of the flourishes.

"Mr. Hogsett: Well, I don't know why there is any flourish."

Respondent excepts to the ruling, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the Record at page 6702.

Trial Examiner Batten: "Now, you may answer this if you want to, Mr. Ingraham, and if you don't want to you don't need to: Am I to assume you are going to have all of the girls in section 518 here and testify about these specific matters?"

Mr. Ingraham: I believe we are going to have a large number of them.

Trial Examiner Batten: Well, I want to tell you now that you are not, so don't plan on it. I would say, not to exceed three witnesses on those matters, out of that section."

[fol. 333] for the reasons among others that said limitations upon Respondent to three witnesses out of said Section 518 was unfair and prejudicial to Respondent, for the reason that said testimony related to highly important issues in view of the former findings of the Board and Trial Examiner and of the contentions of the Board and I.L.G.W.U. in this hearing, and unless the Trial Examiner was satisfied that the testimony of said three witnesses established the facts to which they testified, said limitations was unfair and prejudicial to Respondent, and in any event Respondent was entitled to put on additional witnesses for the consideration of the Board and Court and the limitation denied to Respondent a fair trial and due process of Law.

145.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the Record at pages 6704-05-06:

"Q. (By Mr. Ingraham): There has been testimony given that the girls returned to work in that section after attending meetings. What are the facts about that?

Trial Examiner Batten: Now, Mr. Ingraham, I do not believe that is proper surrebuttal, because there was testimony by some witnesses concerning that and the Board put on some concerning it. Now, I don't believe that is proper questioning at this stage of the proceedings.

Q. (By Mr. Ingraham): There has been testimony given that if an operator did not intend to come to work she would notify her instructor. What are the facts about that?

Mr. Langsdale: I object to that as not proper surrebuttal.

Trial Examiner Batten: Sustained.

Q. (By Mr. Ingraham): There has been testimony given that after Mr. Baty took charge of the factory in 1935, and up until July 15, 1939, instructors had the authority to transfer girls from one section to another. What is the fact about that?

Mr. Langsdale: Objected to as not proper surrebutal. Mr. Baty, in 1939, ran the whole gamut with reference to that particular issue.

Trial Examiner Batten: Objection sustained.

[fol. 334] "Mr. Ingraham: Respondent offers to prove by this witness that if she were permitted to answer the question to the effect that, Did girls return to work after attending any of the meetings referred to? she would answer in the negative.

Respondent further offers to prove by this witness—

Mr. Lansdale: Just a moment. I want to make an objection to that offer, for all of the reasons offered to the question.

Trial Examiner Batten: Proceed.

Respondent further offers to prove by this witness that if she were permitted to answer the question as to whom the girls would notify if they were not coming to work, she would answer, 'The employment office,' and not 'the instructor.'

Mr. Langsdale: That is objected to in the offer for all of the reasons offered to the question.

Trial Examiner Batten: Any others?

Mr. Ingraham: No, that's all.

Trial Examiner Batten: 'The offers are rejected.'

for the reasons among others that said rulings and action prevented the Respondent from adducing proper and highly material evidence in view of the former findings of the Trial Examiner and Board and the issues as developed in the hearing, and by the denial thereof Respondent has been denied a fair trial and due process of law.



Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the Record at pages 6706-7-8-9, to wit:

Q. (By Mr. Tyler): Mrs. Chaney, did you ever know of any instructor directing the girls in her section [—] go with her, the instructor, to any union meeting?

Mr. Langsdale: I object to that as not proper surrebuttal.

Trial Examiner Batten: "Sustained."

Q. (By Mr. Tyler): Did you hear Etta Dorsey give any instructions or information about the holding of union meetings to the girls in her section?

[fol. 335]. "Mr. Langsdale: Objected to as not proper surrebuttal, and repetition."

Trial Examiner Batten: Sustained.

Q. (By Mr. Tyler): Did you ever see any group of girls being herded together to a meeting of the union by any instructor?

Mr. Langsdale: Objected to as not proper surrebuttal. Respondent has so characterized it.

Trial Examiner Batten: Sustained.

Q. (By Mr. Tyler): You joined the Donnelly Garment Workers' Union of your own free will?

Mr. Langsdale: Objected to as not proper surrebuttal.

Trial Examiner Batten: Sustained.

Q. Do you know whether the employees of the Donnelly Garment Company obtained any improved conditions by the contract which the union made with the company in May, 1937?

Mr. Langsdale: I object to that as not proper surrebuttal.

Trial Examiner Batten: Sustained.

Mr. Tyler: I offer to prove that this witness, if allowed to answer the question as to whether she ever saw any group of girls taken to union meetings by the instructor, would answer that she did not.

Mr. Langsdale: That offer is objected to for the reasons offered against the question.

\* \* \*

Mr. Tyler: \* \* \* And I offer to prove that this witness, if asked the question whether there was any evidence of employees being herded to the union meetings, would answer No.

I offer to prove by this witness that if she were allowed to testify as to whether she knew of benefits received by the employees as a result of the contract of the Dannelly Garment Workers' Union with the company of May 27, 1937, would state that she did know of definite benefits received by reason of that contract.

Mr. Langsdale: The offers are objected to for the reasons given against the questions.

Trial Examiner Batten: The offer is rejected.

Mr. Tyler: Of course, it is understood that an exception is allowed, without stating—

Trial Examiner Batten: Yes, you have an automatic exception."

147.

[fol. 336] Respondent excepts to the ruling and action of the Trial Examiner as set forth in the following excerpts from the transcript of the Record at page 6716, to wit:

"Q. (By Miss Weyand): Did you ever work, on a transfer slip, in a section other than your regular section—the transfer slip I have reference to—

Mr. Hogsett (Interrupting): Objected to on the same ground, as not proper cross-examination in surrebuttal.

Trial Examiner Batten: You may answer."

148.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the Record at pages 6731-32-33, to wit:

"Mr. Hogsett: On page 6675 of the record yesterday, while Mrs. Stevens was on the stand, I made a verbal offer of proof in respect to the amount of dues of the International—

. . . . .

I offer to prove by the witness May Stevens that the amount of regular dues of the International Ladies' Garment Workers' Union at the time of her membership was 35c a week, which, for 52 weeks a year would be \$18.20 a year, and that in addition to that there were two regular assessments, one of \$1 per year as a death benefit assessment, and the second an assessment of \$1 a year as a fund in the Work Labor Movement as a whole. That is all.

Mr. Langsdale: The offer is objected to as immaterial, doesn't tend to prove or disprove any issue in this case. It is certainly immaterial, unless they prove what they got for the 35c a week, and how little the Donnelly Garment Workers' Union got for their 25c a month.

Trial Examiner Batten: I will reject the offer, because my recollection is that I rejected your tentative offer."

149.

(a) Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the Record relating to the testimony of witness Mrs. Reece, to wit: (pp. 6742-43-44.)

[fol. 337] "Q. (By Mr. Tyler): Mrs. Reece, did you ever hear any instructor direct the girls or the workers in her section to attend union meetings in a group?

A. No, I did not.

Trial Examiner Batten: I think I ruled on that question with the prior witness. I do not consider it proper.

Mr. Tyler: I expect to ask two more questions on the same line. Shall I make an offer of proof first, or—

Trial Examiner Batten: No. Ask the questions, Mr. Tyler.

Q. (By Mr. Tyler): Did you ever see any instructor in the Donnelly plant gather the girls in her section together and take them to any union meeting?

A. No.

Mr. Langsdale: I object to that as not proper surrebuttal.

Trial Examiner Batten: I make the same ruling with respect to that question, Mr. Tyler.

Mr. Langsdale: And I ask that the answer be stricken.

Trial Examiner Batten: I will wait until Mr. Tyler makes his offer of proof.

Proceed Mr. Tyler.

Q. (By Mr. Tyler): What was the custom in the Donnelly factory as to whether the employees went to union meetings with anybody they pleased or not?

Mr. Langsdale: Objected to as not proper surrebuttal.

Trial Examiner Batten: The same ruling I made to the other two questions, Mr. Tyler.

Mr. Tyler: \* \* \* I offer to prove by this witness that if she were allowed to answer the questions which the Examiner has sustained objections to, she would testify that she never heard any instructor direct the girls in her section to attend any union meeting in a group; that she never saw any instructor gather the girls together and take them to a union meeting; and that the custom of the Donnelly plant was that employees would attend union meetings with whomever they pleased, without obstruction or pressure or limitation.

Mr. Langsdale: I object to the offer for all of the reasons given against the question.

Trial Examiner Batten: The offer is rejected."

[fol. 338] (b) Respondent further excepts to the rulings, action and comments of the Trial Examiner made with

reference to similar questions and answers by the witness Mrs. Hutchinson as set forth in the transcript of the Record at pages 6751-52-53.

(c) Respondent further excepts to the rulings, action and comments of the Trial Examiner made with reference to similar questions and answers in the examination of the witness Iris Litten as set forth in the transcript of the Record at pages 6789-90-91.

(d) Respondent further excepts to the rulings, action and comments of the Trial Examiner made with reference to similar questions and answers in the examination of the witness Lora Fries, as set forth in the transcript of the record at pages 6811-12-13-14.

(e) Respondent further excepts to the rulings, action and comments of the Trial Examiner made with reference to similar questions and answers in the examination of the witness Lillie Reynolds, as set forth in the transcript of the Record at pages 6824-25-26.

(f) Respondent further excepts to the rulings, action and comments of the Trial Examiner made with reference to similar questions and answers in the examination of the witness Alvin Reifel, as set forth in the transcript of the Record at page 6941.

(g) Respondent further excepts to the rulings, action and comments of the Trial Examiner made with reference to similar questions and answers in the examination of the witness, Elizabeth Barrett, as set forth in the transcript of the Record at pages 6947-48-49.

[fol. 339] (h) Respondent further excepts to the rulings, action and comments of the Trial Examiner made with reference to similar questions and answers in the examination of Marjorie Green, as set forth in the transcript of the Record at pages 6962-63-64.

150.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the Record at pages 6762-63-64-66-67:



"Mr. Ingraham: Mr. Examiner, I intended to state before I put this witness on the stand that I understood you to say that you limited respondent to three witnesses in connection with the matters that Etta Dorsey testified about.

Trial Examiner Batten: Well, is that the way you understand it?

Mr. Ingraham: I understood you to say that very positively.

Trial Examiner Batten: Well, I think you are correct.

~~Mr.~~ Langsdale: Well, I understand the limitation would be with reference to all matters inquired about this morning in connection with Etta Dorsey's testimony.

Trial Examiner Batten: My understanding of what I intended to do was limit you to three witnesses from that section with respect to the matters that you asked the witnesses about. Now, is there any difference between that and your understanding?

Mr. Ingraham: No, that is what I understood you to say. Of course, we will prepare an offer of proof.

Trial Examiner Batten: If you have an offer, you make it right now, Mr. Ingraham.

Mr. Ingraham: Respondent offers to prove by Ruth Strandt, Ida Barton, Leone Sams, Beatrice Face, Goldie Sprague, Nina Gilardi, Grace Pardun, Anne Belan, Lulu Gordon, Ruth Chaney Miller, Ida Mauk, Estel Rothgeb, Ora Dull, Lela Stevens, Hazel Higgins, Violet Hawkins, Anne Elizabeth Stone, and each of them, that if permitted to testify they would testify that they were employed during the months of March, April, and May, 1937, by the Donnelly Garment Company, and during said time worked in section 518; that during all of said time, Etta Dorsey was their instructor and they had no other instructor during said time except Etta Dorsey; that Etta Dorsey did not inform them or state to them that they would be paid by the Donnelly Garment Company for the time spent at the meeting of March 18, 1937, where Mrs. Reed spoke;

and they were not, in fact, paid for the time spent at said meeting; that Etta Dorsey did not inform them or state to them that they would be paid for the time spent at the meeting of April 27, 1937, and they, in fact, were not paid [fol. 340] for the time spent at that meeting; that Etta Dorsey did not state to them that they would be paid for time spent at union meetings, and they, in fact, were not paid for time spent at any union meetings; that they did not know of any employee being paid for time spent at any said union meetings; or the meeting of March 18, April 27, or any other meeting; that they did not attend any meetings during said time and return to work.

Mr. Langsdale: Union meetings, you mean?

Mr. Ingraham: Well, any of the aforesaid meetings, and return to work; that in the event they did not intend to come to work they would notify the employment office, and would not notify their instructor; that the employment office would transfer operators in their section and it was not done by the instructor..

I want to add to the offer of proof that each of said stated persons will further testify that they never received a pay check with the section number on it that was not the correct section number in which said person worked, and that each of said persons' pay checks had on it section number 518 during the months of March, April, and May of 1937.

Trial Examiner Batten: Well, my understanding is that the offer of proof is in line with the testimony of the three witnesses, and taking into consideration the objections offered by the various attorneys representing the parties, and upon that basis I reject the offer."

for the reasons, among others, that said line of testimony was highly important to the issues herein in view of the former findings and conclusions of the Trial Examiner and Board, and in view of the contentions of the Board and I. L. G. W. U. in the further hearing and unless the Trial Examiner was satisfied that the three witnesses who

had already testified to such matters had established same, it was prejudicial and unfair to Respondent to limit such testimony to three witnesses, and in any event Respondent was entitled to put on further witnesses as to said matters for the consideration of the Board and Court, and the limitation made by the Trial Examiner denied to Respondent a fair trial and due process of law in contravention of the Fifth Amendment to the Constitution of the United States.

[fol. 341]

151.

Respondent excepts to the ruling, action and comment of the Trial Examiner as set forth in the following excerpts from the transcript of the Record at pages 6784-85, to-wit:

"Q. Do you recall ever being paid for any time you spent at any Loyalty League meetings?

A. No.

Trial Examiner Batten: —that doesn't change the situation at all, because this morning I had no idea of going into all of these generalities, which I don't think carry a great deal of weight, anyway."

152.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the Transcript of the Record at pages 6834-35-36-37-38, to-wit:

"Mr. Ingraham: Mr. Examiner, does the same ruling apply to section 413 as to section 518?

Trial Examiner Batten: Exactly.

Mr. Ingraham: Then respondent makes an offer of proof that if Marie Richardson, Hazel Hardman, Emilea Raines, Grace Short Kunther, Eva Liberman, Edna Tattershall, Lois Kesinger, Millie Ihle, Katherine Sutulovick, Ruth Putnam, Emma Hansen, Edith Alexander, Lillie Reynolds, Bertha Taylor, Lucille Wilkey, Anna Spahr, Pearl Hall, Nellie Stites, Ruth McBride, Lorene Johnson, Beulah Perkins, Mildred Brooks Ballard, Opal Richardson, Dorothy Dietz Sharp, Gladys Rudd, were permitted to testify, they would testify as follows:

That they were employed at the Donnelly Garment Company during the months of March, April, and May, 1937; that their instructor was Lola Skeens during said period; that each attended the meeting of March 18, 1937; that Lola Skeens did not notify them or any of them that said meeting was to be held; that Lola Skeens did not go up the north side of the section notifying the girls of the meeting; that Lola Skeens did not inform the girls that they were to be paid for the time spent at that meeting; that they were not paid for the time spent at that meeting; that each of said persons attended the meeting of April 27, at which time the Donnelly Garment Workers' Union was formed; that Lola Skeens did not notify any of them of said meeting; that Lola Skeens did not go up the north side of the section, telling the girls of the meeting, and that the thread girl did not go up the south side of the section, telling the girls of the meeting; that Lola Skeens [fol. 342] did not tell the girls that they were to be paid for the time spent at said meeting; and that none of persons named received any pay for the time spent at said meeting; that they attended union meetings, and were never notified by Lola Skeens that said meetings were to be held and were not informed by Lola Skeens that they would be paid for the time spent at said meetings, or any of them; and they were not, in fact, paid for any time spent at any union meeting; that Lola Skeens did not notify them of any Loyalty League meetings, and they were never paid for any time spent at any Loyalty League meetings; that all the meetings above referred to were held after working hours.

Trial Examiner Batten: Now, aren't you including two things there that you haven't asked this witness thus far, Mr. Ingraham.

Mr. Ingraham: What are those things?

Trial Examiner Batten: Well, you just said, 'All the meetings were held after working hours,' and you said they would testify that they were not paid for any Loyalty League meetings. I don't recall that you asked this witness that.

Mr. Ingraham: I think I did, and I think I asked at least one of these witnesses if meetings were held after working hours.

Trial Examiner Batten: I thought you were making me an offer now on the basis of those three last witnesses.

Mr. Ingraham: I am, and I thought I asked that question.

Trial Examiner Batten: \* \* \* I will ask you if it is your intent that the offer of proof cover the testimony covered by the three prior witnesses?

Now, if that is your intention, then I am willing to accept the offer of proof.

Mr. Ingraham: All right.

Trial Examiner Batten: I am perfectly willing the offer of proof be just as all-inclusive as the last three witnesses.

Mr. Ingraham: That Lola Skeens did not turn the power off for the purpose of sending the employees in section 413 to any of the meetings referred to.

Trial Examiner Batten: Well, the offer of proof will be rejected on the same grounds as previously stated, for the same reasons, and I will allow the same objections, if there were any."

[fol. 343] for the reasons, among others, that said line of testimony was highly important to the issues herein in view of the former findings and conclusions of the Trial Examiner and Board, and in view of the contentions of the Board and I. L. G. W. U. in the further hearing and unless the Trial Examiner was satisfied that the three witnesses who had already testified to such matters had established same, it was prejudicial and unfair to Respondent to limit such testimony to three witnesses, and in any event Respondent was entitled to put on further witnesses as to said matters for the consideration of the Board and Court, and the limitation made by the Trial Examiner denied to Respondent a fair trial and due process of law in contravention of the Fifth Amendment to the Constitution of the United States.



[fol. 344]

153.

(a) Respondent excepts to the rulings, action and comments of the Trial Examiner made with reference to the examination of the witness Fred Brown as set forth in the following excerpts from the transcript of the record at pages 6915, 6916, to-wit:

"Q. Do you know whether the employees obtained any benefits—additional rights under that contract that they didn't have before?

"A. Yes, they did. \* \* \*

"Trial Examiner. Batten: I don't think, Mr. Tyler, I want to open up that matter now, so I will ask you not to. If you have an offer of proof on it that you want to make, all right.

"Mr. Tyler: I offer to prove that this witness, if allowed to answer the question as to whether benefits were derived from the contract in the spring of 1937 and what the benefits were, would—

"Mr. Langsdale: Which contract?

"Mr. Tyler: I think there is only one.

"Mr. Langsdale: Two.

"Mr. Tyler: All right. The contract of May 27, 1937, as supplemented by the wage agreement of June 22, 1937.

"— would testify that he does not remember in detail all of such benefits, but that he is positive that some of the minimum—that the minimum pay before the contract was \$15.00 a week and that by reason of the contract the minimum for anyone was raised to \$16.50 a week, and that the payments made to certain individuals, regardless of contract rights, were increased by reason of the contract, and that the time allowed for vacations with pay to certain employees was increased over the custom, as well as being established as a legal right which had not existed before, and that there were other benefits, although he may not recall them in detail.

"Mr. Langsdale: The offer is objected to as not proper surrebuttal.

"Trial Examiner Batten: I will sustain the objection. I don't think it is proper."

(b) Respondent further excepts to the rulings, action and comments of the Trial Examiner made with reference to similar questions and answers in the examination of witness Jack McConaughy as set forth in the transcript of the record at pages 6921, 6922.

(c) Respondent further excepts to the rulings, action and comments of the Trial Examiner made with reference to similar questions and answers in the examination of the witness Mabel Riggs as set forth in the transcript of the record at pages 6933, 6934.

[fol. 345]

154.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts from the transcript of the record at page 6928, made with reference to the witness Jack McConaughy, to-wit:

"Mr. Langsdale: I do offer to prove by this witness, should he be permitted to testify on this, his answer would be that the union meetings were attended by the employees going to the meeting section by section, for the reason that the elevator service was limited to two elevators, with a capacity of 15 each, and that, therefore, it would be utterly impossible for all of the employees to reach the meeting at the same time.

"Mr. Hogsett: We had no objection to his inquiring of the witness whether that is so or not—whether that is the witness' testimony or Mr. Langsdale's improvisation.

"Mr. Tyler: I object to the offer of proof because, as a matter of fact, the witness' testimony would not be to that effect. The witness is here, and if anybody wants to settle it, the opportunity is apparent:

"Trial Examiner Batten: I don't think I am going to start out, at this stage of the proceedings, to test out whether the offers of proof that have been offered so far are justified."

155.

Respondent excepts to the rulings, action and comments of the Trial Examiner as set forth in the following excerpts

of the transcript of the record at pages 6967, 6968, 6969, 6970:

"Trial Examiner Batten: Mr. Tyler, I am still more convinced that any more witnesses along this line—it isn't only cumulative but it is repetitious, especially if they testified in the prior hearing, as was indicated this morning. If you have witnesses you want to present who will testify to specific matters or other matters, you may produce them.

"Mr. Tyler: I have one witness who will testify to an entirely separate state of facts. But I except to Your Honor's ruling, and I would like to make an offer of proof.

"Trial Examiner Batten: You may do so.

"Mr. Tyler: I offer to prove by the following witnesses: Rose Todd, Hobart Atherton—

"Mr. Langsdale: Just a moment. I wish the Examiner would permit him to bring Rose Todd here and put her on the stand.

"Trial Examiner Batten: Let's proceed.

"Mr. Tyler: (Continuing) —Hobart Atherton, Walter Higgins, Mary McClellan, and Finland Rife, that if permitted to testify they would testify that they were members of the Donnelly Garment Workers' Union between April 27, 1937, and July 15, 1939; and that at some part of that time they were members of the executive committee of the Donnelly Garment Workers' Union; and that at no [fol. 346] time and on no occasion during that period were they ever paid by the Donnelly Garment Company or the Donnelly Garment Sales Company for attending Donnelly Garment Workers' Union meetings or meetings of the executive committee of the Donnelly Garment Workers' Union; and that they had no knowledge of and never saw any instructor gather the employees in her section together and take them as a group to any meeting of the Donnelly Garment Workers' Union; and that the employees were free to attend such meetings with whom and in such manner as they chose, without any interference, dictation or pressure from the employer; and that the women employees in the Donnelly plant frequently attended meetings of the Donnelly Garment Workers' Union held after

working hours while still wearing their work aprons; and that they were never paid for the time spent at any meetings of either the Donnelly Garment Workers' Union or the executive committee of the Donnelly Garment Workers' Union by the Donnelly Garment Company or the Donnelly Garment Sales Company.

“Trial Examiner Batten: I will reject the offer for the reasons I have previously stated.

“Mr. Hogsett: Respondent joins in the offer and respectfully excepts to the ruling of the Examiner.

“Trial Examiner Batten: Of course, understand, my rejection of the offer, under those circumstances, would be also applicable to you.”

for the reasons among others that said line of testimony was highly important to the issues herein involved in view of the former findings and conclusions of the Trial Examiner and Board and in view of the contentions of the Board and I.L.G.W.U. in the further hearing and said rulings and actions were unfair and highly prejudicial to respondent and intervenor unless the Trial Examiner was convinced that the facts testified to by the witnesses already called sufficiently established such facts so as to require findings in accordance therewith and even in such event, respondent and intervenor were entitled to have further witnesses called and testify with reference to said matters; for the consideration of the Board and Court, and the refusal of the Trial Examiner to permit intervenor to call further witnesses for such purpose denied to respondent and intervenor a fair trial and deprived them of due process of law in contravention to the Fifth Amendment to the Constitution of the United States.

[fol. 347]

156.

Respondent excepts to each and all the rulings, action and comments of the Trial Examiner contained or referred to in the foregoing exceptions numbered 56 to 155 inclusive, for each and all of the reasons therein set forth or referred to and because same show the bias and non-judicial attitude of the Trial Examiner and his prejudg-

ment of the issues herein against respondent and because same are unfair and prejudicial to respondent and deny to respondent a fair trial and due process of law in contravention of the Fifth Amendment to the Constitution of the United States. In answer to some of the questions objected to, answers favorable to the respondent were given and respondent does not except to said favorable answers but does except to the rulings as showing the bias and non-judicial attitude of the Trial Examiner.

157.

The erroneous rulings, findings and conclusions of the Trial Examiner throughout the record and in the Intermediate Report are so numerous as to prevent setting same forth in detail in these exceptions, but respondent by the omission to except to any of the adverse findings or conclusions of the Trial Examiner in his Intermediate Report or the omission to except to many of the numerous rulings of the Trial Examiner throughout the hearing, does not mean that respondent is admitting the truth or correctness of any of said adverse findings or conclusions or that the correctness of said rulings, and respondent here excepts to any and all adverse rulings, findings or conclusions of the Trial Examiner.

158.

Respondent excepts to the ruling and action of the Trial Examiner rejecting respondent's offer of proof and protest against the ruling of the Examiner made August 19, 1942, contained in Board's Exhibit No. 1 SSSSS, as appears from page 6981 of the transcript of the record here-[fol. 348] in, for the reasons among others that the testimony therein referred to and offered to be proved was highly important to the issues involved herein in view of the rulings of the Trial Examiner admitting evidence offered by the Board and I.L.G.W.U. relating to the same subject matter as that sought to be proved by said witness Wave Tobin and in view of the former findings and conclusions of the Trial Examiner and the Board and in view of the contentions of the Board and I.L.G.W.U. in the further hearing herein, and said ruling and action in rejecting said



offer of proof and in refusing to permit respondent to examine said Wave Tobin with reference to said matters and with reference to such other pertinent matters as would have been elicited in the course of such examination, and in denying to respondent the right to place its witnesses on the stand in the order it desired, and denying to respondent the right to continue and complete the examination of said Wave Tobin before proceeding to the introduction of the evidence of other witnesses, were highly unfair and prejudicial to respondent and there was no basis for the exercise of any sound discretion of the Trial Examiner in refusing to receive such testimony and the denial thereof and the rejection of said offer of proof deprived respondent of a fair trial and due process of law in contravention of the Fifth Amendment to the Constitution of the United States.

## 159.

Respondent excepts to the ruling and action of the Trial Examiner set forth on page 6981 of the transcript of the record herein denying respondent's reoffer of certain offers of proof and respondent's reoffer of Respondent's Exhibit No. 2 (rejected) and Respondent's reoffer of Intervener's Exhibit No. 20 (rejected) and each of same, for each and all the reasons and grounds set forth in the foregoing exception No. 158. This refers to all the offers of proof made by respondent in the former hearing of this matter before the Trial Examiner, including Board's Exhibit No. 1-0000 and Board's Exhibits Nos. 1-JJJJ, 1-NNNN, 1-QQQQ, 1-XXXX, and Intervener's offer of proof Board's Exhibit No. 1-RRRR, and each of same.

## 160.

[fol. 349] Respondent excepts to the rulings and action of the Trial Examiner as set forth on page 6982 of the record herein rejecting and denying respondent's supplemental offer of proof designated as Board's Exhibit No. 1-TTTTT, for each and all the reasons and grounds set forth in respondent's exception No. 158 herein.

## 161.

Respondent excepts to the rulings and action of the Trial Examiner set forth on page 6982 of the record herein,

rejecting and denying respondent's offer of proof designated as Board's Exhibit No. 1-UUUUU for the reasons among others that the testimony therein referred to and offered to be proved was highly important to the issues involved herein in view of the rulings of the Trial Examiner admitting evidence offered by the Board and I. L. G. W. U. relating to the same subject matters referred to in said offer and in view of the former findings and conclusions of the Trial Examiner and the Board and in view of the contentions of the Board and I. L. G. W. U. in the further hearing herein, and the rejection of said offer of proof and the denial to respondent to adduce the evidence therein referred to was unfair and highly prejudicial to respondent and there was no basis for the exercise of any sound discretion on the part of the Trial Examiner in refusing to receive said testimony and said rulings deprived respondent of a fair trial and due process of law in contravention of the Fifth Amendment to the Constitution of the United States.

162.

Respondent excepts to the rulings and action of the Trial Examiner set forth on page 6982 of the record herein rejecting and denying respondent's offer of proof designated as Board's Exhibit No. 5-VVVVV, for each and all the reasons and grounds set forth in respondent's exception No. 161 herein.

163.

[fol. 350] Respondent excepts to the rulings and action of the Trial Examiner set forth on page 6982 of the transcript of the record herein, rejecting and denying respondent's offer of proof designated as Board's Exhibit 1-WWW-WW, for each and all the reasons and grounds set forth in respondent's exception No. 161 herein.

164.

Respondent excepts to the rulings and action of the Trial Examiner set forth on page 6982 of the Transcript of the record herein, rejecting and denying intervenor's offer of proof designated as Board's Exhibit 1-XXXXX; for each and all the reasons and grounds set forth in respondent's exception No. 161 herein.

165.

Respondent excepts to the rulings and action of the Trial Examiner set forth at page 6983 of the transcript of the record herein, rejecting and denying respondent's offers of proof, and each of same, of witnesses employed or formerly employed in Sections 518 and 413 of the plant of the Donnelly Garment Company, for each and all the reasons and grounds set forth in respondent's exception No. 161 herein.

166.

Respondent excepts to the rulings and action of the Trial Examiner as set forth in the following excerpts from the transcript of the record at pages 6984, 6985, to-wit:

“Trial Examiner Batten: \* \* \* Yesterday there was a witness, Mary Copowycz, on the stand, and during the cross-examination of Mr. Tyler, which begins at page 6879, the question at line 2, the question at line 6, and the answers thereto, the question at line 4, page 6882, and the answer, and the question at line 8, and the answer—those questions and answers are stricken, in accordance with my prior ruling on those other witnesses. Those are the questions which I find are the same as the others, Mr. Tyler. The answers may stand as an offer of proof.”

167.

[fol. 351] Respondent excepts to the findings of the Trial Examiner that check-off cards were distributed by the Respondent to its employees for their signature and to the finding of the Trial Examiner that Rose Todd went to the Respondent's plant at St. Joseph, Missouri to organize the employees in that factory, and was absent from her employment about a half of day without salary deduction therefor, and excepts to the findings of the Trial Examiner that instructors regard themselves as supervisors and that they exercised supervisory and economic control over the operators and are regarded by the operators as supervisory employees, and that they are responsible to Baty for the quantity and quality of work in their respective sections, and that Baty never gave them any instructions or directions or conferred with them about their work, and excepts to the findings of the Trial

Examiner as to what payments Rose Todd and other persons were carried on, and to the findings of the Trial Examiner to the effect that business of the D.G.W.U. was conducted during business hours, as not being supported by the evidence.

168.

Respondent excepts to the repeated rulings of the Trial Examiner permitting the Board and I.L.G.W.U. to adduce evidence relating to various subjects and relating to various periods of time, and to his ruling refusing to permit Respondent and Intervener to introduce countervailing evidence relating to said subjects and relating to said periods of time.

169.

Respondent excepts to the several rulings of the Trial Examiner whereby he refused to hear further witnesses on the part of Respondent and Intervener as to various issues involved without signifying that the matters con-[fol. 352] tended there by Respondent and testified to by Respondent's and Intervener's witnesses had been sufficiently established and/or without signifying as to what if any controverted issues were not sufficiently established by Respondent's or Intervener's witnesses.

170.

Respondent excepts to the rulings of the Trial Examiner in refusing to receive testimony from Respondent or Intervener as to matters occurring after July 15, 1939, irrespective of whether such matters had any bearing upon the issues involved herein, and irrespective of whether same tended to disprove the charges against Respondent.

171.

Respondent excepts to the rulings of the Trial Examiner requiring plaintiff to submit offers of proof as to the testimony of its various witnesses including Wave Tobin, instead of permitting Respondent to call said witnesses to the stand and adduce material testimony from them by oral examination, for the reason that it is well known that the testimony of a witness may be more fully and accurate-

ly developed by examination on the stand than by statements in an offer of proof, especially when the witness is an adverse witness, as was Wave Tobin, and counsel had not the opportunity of ascertaining fully the extent of her testimony, and for the further reason that said ruling is unfair and prejudicial to Respondent and demonstrates the bias of the Trial Examiner that he did not require the Board to submit offers of proof as to the testimony of Rose Todd and various other witnesses before calling them to the stand.

[fol. 353]

172.

Respondent excepts to the Trial Examiner's denial of credibility of Respondent's and Intervener's witnesses and to him accepting as to the slightest testimony unfavorable to Respondent or the slightest inferences therefrom, in disregard to the overwhelming evidence offered by Respondent and Intervener to the contrary, and refuting each and all of the charges in the complaint.

173.

Respondent excepts to the Trial Examiner's prejudgment, adverse to Respondent of the issues involved herein by reason of which Respondent has been denied a fair and impartial trial.

174.

Respondent excepts to the Trial Examiner's failure to dismiss each and all of the charges against Respondent and/or to find and recommend that same should be dismissed.

Wherefore Respondent prays that its exceptions be sustained and the Complaint dismissed.

Respectfully submitted,

JAMES A. REED  
ROBT. J. INGRAHAM  
WILLIAM S. HOGSETT  
BURR S. STOTTLE

Attorneys for Respondent  
Donnelly Garment Company.



[fol. 354]. Statement of Exceptions of Intervener, Donnelly Garment Workers' Union to the Second Report of the Trial Examiner.

United States of America  
Before the National Labor Relations Board

In the Matter of

Donnelly Garment Company, Respondent.

and

International Ladies' Garment Workers' Union

and

Donnelly Garment Workers' Union,  
Party to a Contract, Intervener.

Case No. C-1382.

Intervener, Donnelly Garment Workers' Union (referred to in the second intermediate report as the DGWU) excepts and objects to the second intermediate report of the trial examiner and to the proceedings, rulings, findings, conclusions appearing therein and other matters appearing in the record of this case in the following particulars and for the following reasons:

(1) To the bias and prejudice of the trial examiner against the intervener as evidenced by

(a) His denial of Intervener's petitions for an election as to bargaining representatives by the employees of the plant made before the beginning of the first hearing and repeated at various times thereafter, and his steadfast refusal to consider, allow or direct any formal ascertaining or regarding of the employees of the plant at any time during five years or to carry on any investigation among the employees of the plant.

(b) His refusal to receive and consider relevant and competent testimony of numerous witnesses offered by the intervener on matters relevant and of great importance to intervener's case and particularly showing such witnesses' [fol. 355] actual desires in the matter of labor representation, their reasons therefor and their freedom from employer domination in making such choice:

(c) His established custom and method of accepting any testimony whatever even though coming from only one to five discredited witnesses as being true, although denied by all other witnesses appearing, and in effect and substance denied by all other employees in the plant, and referring to such accepted evidence as in effect conclusive without any reference to or consideration of the overwhelming evidence to the contrary.

(d) His continued and wholly unjustified assumption that all witnesses offered by either respondent or intervener were subject to domination by and fear of their employer and that they would uniformly, continuously and without exception give false testimony by reason thereof.

(e) His denial to the intervener of the right to put on any witnesses whatever in the case in chief.

(f) His complete ignoring of the direction of the Circuit Court of Appeals to take and weigh and consider additional evidence as to the choice of the employees as to bargaining representative, their reason therefor and their subjection to or freedom from domination by the employer in such attitude.

(g) His refusal to admit evidence of, or give consideration to, the successful, independent and effective operation of the DGWU as a labor union down to and including the present time.

(h) His numerous findings of facts and drawing of inferences and conclusions unwarranted by, and in disregard of, the evidence.

(i) His unjustified characterization of witnesses of respondent and intervener as unworthy of belief.

[fol. 356] (j) His statements that evidence of the intervener would have no weight with him no matter how numerous or universal the witnesses were in its behalf, and his refusal to change this preconceived attitude following the instruction of the Circuit Court of Appeals that such evidence was to be received and considered without prejudice.

(k) His finding that the petition circulated by three employees on March 2, 1937, was directed by, inspired by,

or promoted by respondent or the Donnelly Loyalty League in the face of the overwhelming evidence to the contrary.

(l) His finding that the meeting of March 18, 1937 was a Donnelly Loyalty League meeting in spite of overwhelming evidence to the contrary.

(m) His finding that the employment of Gossett, Ellis, Dietrich and Tyler with a retainer fee of \$500.00 was a payment in part for the organization of a plant union in spite of the undenied evidence and his own finding that the only subject discussed or considered at that time was the preparation of an injunction suit.

(n) His finding that the organization meeting of the DGWU was held on Company time in the face of practically universal testimony to the contrary, the finding being based on the testimony of not more than a half dozen discharged employees who admit bias against either the DGWU or the employer or both and who admit that the suggestion as to such time of holding the meeting was not called to their attention until about five years thereafter.

[fol. 357] (2) His refusal to admit evidence of the continued, satisfactory and effective operation of the DGWU through a period of five years down to and including the present day, and his arbitrary ruling that no evidence of any facts, conditions or circumstances occurring since the first hearing in 1939 was or could be admissible evidence.

(3) His finding that the Loyalty League was dominated by, created by or succeeded by the Donnelly Garment Workers' Union, or any of its members, although all of the evidence is that the Loyalty League still continues in existence, and all the evidence is that employees of the Company without domination or interference by the management promoted the organization of the DGWU for an entirely different and separate purpose which was wholly legal and proper.

(4) His refusal to hear any further witnesses of the DGWU or to take any reasonable cross section of testimony of the employees in order to arrive at any conclusions based on evidence as to the fact regarding the preference of

employees as to labor representation, the reasons for such preference and whether they were or were not dominated or influenced by the employer in such choice in spite of the fact that the sole or predominating reason for the second hearing was to develop such evidence.

(5) His refusal to weigh or consider the evidence as to the choice and wishes of the employees regarding labor representation because such evidence should have been a proper part of the decision.

(6) His assumption as expressed in his opinion that because the DGWU was a plant union maintaining no office outside the factory and that because it did not comply with certain theoretical but not required methods of book-keeping or administration, that it was not a valid labor organization, or that such facts were evidence of illegality.

(7) His finding that it was impossible to determine that Rose Todd in 1937, '38 and '39 had any well-defined duties, although in the same paragraph he points out what such well-defined duties were, and although the evidence shows conclusively definite, necessary, important and unchanged duties in her employment by the Company.

(8) His finding that instructors were "supervisory" and therefore represented management, without applying the correct legal test which shows conclusively that their duties were such as not to identify their interests with those of the employer, but on the other hand to mark them clearly as in the position of subordinate employees charged with showing employees methods and keeping work moving to and from operators.

(9) To the finding and conclusion that because the employer recognized the right of an organization, made up of substantially all of its employees below the rank of those representing management to negotiate for the employees, as the employer was required by law to do, and because it made a contract with such organization a month after it was organized, and a wage agreement within two months after organization, that the shortness of those times and the omission of the employer to legally resist was evidence that there was no expression of the desires of the employees.

(10) To the finding and method pursued by the examiner in ignoring the conclusive evidence of the primary fact of the choice of the employees and placing exaggerated importance on inferences which could only be of importance where the primary fact was in doubt, and in the present case would have such speculative character as to be at least equally persuasive of the validity of the organization as of invalidity.

[fol. 359] (11) To the findings as to respondents contributions of support to the DGWU of delayed payment of rental for use of a room during part of the time leased by respondent, of occasional unauthorized use of respondent's typewriter, filing cabinet, ditto machine, to the use of the Company IDM forms, bulletin boards and similar inconsequential matters, although the uncontradicted evidence is that wherever use of such facilities was allowed such use had always been allowed to any group or any individual in the plant, and the finding that such matters constituted financial support of the union in spite of the fact that every dollar of its expenses during its existence had been raised by the membership of the union itself through dues or profits on entertainment.

(12) To the finding that Hobart Atherton, Florence Strickland, Lena Tyhurst, Martha Gray, Hortense Root, Heath Cowan, Marvin Price, Ted Scholes, Mary Bogart and others were supervisory employees, and the further assumption that such persons were possessed of the degree of authority which would identify their interests with the management rather than the employees, and that the employees looked upon them as representing the management, such findings and the assumptions being without foundation in the evidence, unjustified, contrary to and in disregard of the evidence.

(13) To the finding and decision on page 23 that if Mrs. Reed stated at a meeting of the employees to which she was invited that, "Neither Dubinsky nor any other buttinsky is going to intimidate me or the Company into forcing you to join the International against your will", that such statement constituted an unfair labor practice, although such statement was not only lawful but in direct support of the law, and that in view of the uncontested fact that Mr.



Dubinsky at that time was endeavoring to force the management to put pressure on the employees to join the Int. r. [fol. 360] national against their will, such statement was legally justified and such attitude was legally required.

(14) To the finding that the alleged statement of Rose Todd that, "We are going to run an open shop as long as the majority feels that way" was a sign of Company domination, whereas if said at all it was a correct and proper statement of the law and the rights of the employees, and in any case was not the act of the employer.

(15) To the finding and conclusion that if Instructor Little pointed out the greatly smaller cost of an independent union over the International that instead of being a fact proper to refer to and consider that it was evidence of domination by the management without any evidence upon which to base said finding and in defiance of any reasonable inference.

(16) To the finding that because no second fee was required by attorneys until seven months after organization and until the treasury of the union could take care of original expenses and accumulate some surplus, that therefore the original fee of \$500.00 necessarily included work which it is admitted was not even mentioned when the original fee was paid, as being inference without foundation in the evidence and even contrary to all reasonable inferences therefrom.

(17) To the finding that the original fee in regard to investigating and preparing injunction was paid by the Loyalty League in violation of all the evidence, and to the finding that it would be evidence of domination even if true.

[fol. 361] (18) To the finding that it is axiomatic that a labor organization free from employer domination does not persuade employees to join its ranks so rapidly in spite of the conclusive evidence as to the reasons for employees being universally in favor of prompt action for the purpose of their own physical protection. The conclusion of the master is based on the theory that strong evidence of the intervener should be treated as contrary to its natural import, but that weak evidence is equally unbelievable,

which obviously springs from preconceived opinions, as unsupported by the evidence.

(19) To the finding that piecework members of the executive committee were paid by the company for time lost in connection with D.G.W.U. business.

(20) To the findings that employees were not represented on the committee fixing piecework prices in spite of the uncontradicted evidence to the contrary to the effect that they selected a member of the committee who had had experience previously in that line of work and that she continuously represented them, and the further evidence that the employees possessed and used means for obtaining changes in piecework prices even in cases where their own representative on the committee had not arrived at piecework prices satisfactory to the employees.

(21) To the finding and inference that although the committee was authorized by the membership to make contracts with the company on behalf of the employees, yet the fact that the committee did not submit the wage agreement to the membership as a whole is evidence of illegality or of denial of the wishes of the employees, there being no evidence whatever of such fact.

(22) To the finding and statement on page 9 of the report that the D.G.W.U. was given an opportunity to introduce all of the competent and material evidence which was rejected at the prior hearing in spite of the fact that the matter had been directed to take the evidence of the [fol. 362] employees or such part of them as would give a reasonable picture of the entire body as the purpose of this hearing and yet refuse to allow the intervener to produce a single further witness and further gave no consideration or weight whatever to the evidence of their choice of labor representatives, their reason therefor, and their freedom from domination in so doing.

(23) To the finding and inference that unless the instructors had enough authority to make them representatives of the management in the sense of ineligibility for union membership then it would have been impossible to operate the factory, such finding being contrary to all of the evidence and not subject of even reasonable inference.

(24) To the statement and finding on page 19 that Mrs. Strickland told the employees they should sign membership cards in the Loyalty League "to keep their jobs" as being wholly unsupported by the evidence.

(25) To the finding and conclusion that statements of employees that they had received generous and fair treatment from the company and refused to acknowledge any union labor organization at a time when no plant union had been considered and when the International was endeavoring to force membership by violence is evidence not of the truth of the statement made but is evidence in itself of the exact opposite.

(26) To the finding and inference that the statement in the by-laws of the DGWU, although fully supported by the facts, that one of the purposes of organization was self-protection of employees and members of the union from coercion, intimidation, violence or threats of violence in order to force them to join unions organized and dominated by outsiders and not employees of this plant is evidence that the union partially resulting from this reason was invalid and not the actual choice of the employees.

[fol. 363]. (27) To the conclusions of law of the examiner and each of said conclusions because there is no evidence of domination or interference of the employer with the DGWU either in its formation or operation, no evidence of the employer contributing financial support to said union or engaging in unfair labor practices in connection therewith either under Section 8 (2) or Section 8 (3) of the National Labor Relations Act or of any violations of Section 8 (1) of the act, or that any practices in existence before, during or after the organization of the DGWU are unfair labor practices within the meaning of Section 2 (6) and (7) of the act.

(28) To the recommendations of the examiner and each of them because the evidence and the law do not justify any order requiring the respondent to cease and desist from dominating or interfering with the DGWU or contributing support thereto or from giving effect to the contract of May 27, 1937, and a supplemental wage agreement of June 22, 1937, or any extension, renewal, modification or supplement thereof, or from discouraging membership

in the International or encouraging membership in DGWU by laying off employees or any other manner, or from dominating, controlling or using the Donnelly Loyalty League to interfere with, restrain and coerce its employees or from in any other manner interfering with, restraining or coercing its employees in the exercise of their right of self-organization, or to form, join or assist labor organizations or bargain collectively.

(29) To the recommendation of the examiner that the company cease giving effect to its check-off agreement with the DGWU for the reason that such agreement is legal, valid and the desire of the employees.

(30) To the recommendation that the company be required to take affirmative action in withdrawing recognition from the DGWU on all matters of labor representation because such representation is a valid legal right of the intervener and it has a property right in the contract resulting from such recognition.

[fol. 364] (31) To the recommendation of affirmative action by the company in repaying employees for dues and assessments for the reason that such dues and assessments were voluntarily paid by the employees in a lawful manner and the employees do not desire such repayment.

(32) To the recommendation that the company take affirmative action by posting notices as recommended in the order for the reason that employees have not been dominated or threatened with domination by the employer and that except for the limitations imposed on themselves by themselves in the nature of a closed shop they are free to take any lawful action, and they are fully aware of their rights as to membership in any labor organization.

[fol. 365] (33) To the following statements in paragraph Three of the Intermediate report:

The first six sentences of paragraph Two on page 11.

The last sentence of paragraph Three on page 11.

All of paragraph Two on page 12.

All of paragraph Three on page 12.

Footnote Eighteen on page 12.

All of the last paragraph beginning on page 12 and continuing on page 13.

All of the last paragraph beginning on page 13 and continuing on page 14.

Footnote Nineteen on page 13.

All of the Second paragraph on page 14 except the first three sentences thereof.

Footnote Twenty on page 14.

All of the First full paragraph on page 15.

All of the remainder of sub-paragraph Two.

All of sub-head Three except the first and second sentences.

All of sub-paragraph Four.

for the reasons that such statements, findings and conclusions are not supported by the evidence or any evidence and do not establish or tend to establish that the employees referred to therein were supervisory employees, or represented the management rather than the employees, or were acting for or in behalf of the management in regard to any of the matters mentioned in the report or that the Company held them out to the employees as its representatives, or that the employees regarded them, or any of them, as representatives of the employer in connection with any labor matters whatever.

(34) Under sub-division B, labeled "Events prior to the Effective date of the Act:

The last Three sentences of the First paragraph on page 17.

All of First and Second paragraphs appearing on page 18.

[fol. 366] The First, Second and Fourth sentences of the Third paragraph on page 18.

All of the Fourth paragraph on page 18 except the last sentence.

All of the Fifth paragraph on page 18.



All of page Nineteen except the indented quotation thereon.

All of page Twenty except the First sentence in Second paragraph.

for the reason that such findings and conclusions relate to evidence which is incompetent, irrelevant and immaterial because referring to matters before the enactment of the National Labor Relations Act, and cannot in any event be properly considered as any ground for depriving the interveners of their right to organization and to contracts with the employer, nor do they amount to any evidence, and in particular not to evidence establishing or tending to establish invalidity of the union.

(35) To the method used by the examiner in the Intermediate report of stating controverted matters or matters unsupported by evidence as established facts without any page reference to the record, and frequently without any statement showing the insignificance of the evidence or circumstances or inference relied on or the overwhelming evidence contrary thereto.

(36) To the finding (p. 26) that the organization meeting of the DGWU was held during working hours, and especially to the fact that such finding is made with no citation of evidence or weighing of evidence. The only possible testimony must have been statements of three or four ex-employees who admitted prejudice or hatred and admitted that the matter had never been called to their attention for about five years after it happened, and a photograph showing many girls wearing aprons at the meeting, no consideration being given to, or mention made of, the fact that hundreds of employees in affidavits made at a [fol. 367] time when the matter was still fresh in their memory, stated that the meeting was held after hours and that many employees, with no contradictory evidence whatever, testified that on frequent occasions they wore their aprons to meetings which were held after hours and did not change to street clothes until after the meetings.

(37) To the First paragraph on page 22 in Subdivision C, the Second paragraph on page 24 in Subdivision C, and

the Second paragraph on page 25 in Subdivision C, for the reason that such statements are contrary to the evidence, wholly unjustified by the evidence, and can be at most based on inference and not on evidence. Also as to the Second paragraph on page 25 for the reason that the Board specifically and unequivocally abandons any claim that the company was in any way responsible for the feeling of the employes in the plant in connection with Sylvia Hull (see page 2652 of record of first hearing).

(38) To the First paragraph on page 28 in Subdivision D and the Third paragraph on page 30 in Subdivision D for the reason that such statements, conclusions and findings are not based on evidence, are contrary to all evidence and go beyond the matters occurring before the hearing began, while at the same time the examiner refused to consider on behalf of the intervener evidence of the efficient and successful operation of the plant union for five years and down to the date of the second hearing.

(39) To the last Two paragraphs on page 32 of Subdivision 3 of Subdivision D for the reason that the conclusion that the same persons set rates for the respondent as represented the union in this matter is obviously a distortion of the record, without evidence therein for the reason that all of the evidence shows that Rose Todd represents the union in the matter of fixing prices and does not represent the respondent, and for the reason that the [fol. 368] allegation and finding that the company forced employes to join the DGWU is not supported by the evidence, is contrary to all the evidence, and can rest only upon inference based on inference.

(40) To the statements on pages 33 and 34 on Subdivision 4 of Subdivision D stating that the union never had any intention of paying rent which it afterward paid; that it was the League which borrowed \$1,000 at the bank and that the League would have been without right to borrow such money even if it were true that the DGWU was financed by the League; that the employes formed the union under pressure of the employer; that the fact that employes joined it so rapidly proves that it is invalid; that the employer retained complete control of the union

through Rose Todd; that the employer in recognizing the rights of the union and entering into a contract and wage agreement within two months with it, although admittedly bound by law to do so, nevertheless thereby provided evidence of violation of the law in so doing, and to the conclusion in the First paragraph on page 37, for the reason that such statements, findings and conclusions are unsupported by any evidence and in violation of all the evidence.

[fol. 369] (41) To the overruling of the motion of intervenor and respondent for a new examiner by reason of the bias and prejudice of the examiner assigned for the second hearing, such ruling being by the Board after reference of the motion by the examiner to the Board.

(42) To the overruling of the motion of intervenor and respondent for a continuance, such ruling being by the Board and by the examiner:

(43) To the ruling of the examiner that intervenor be denied the right to put on any evidence in the case in chief on the second hearing.

(44) To the denial by the examiner of an election by the employees under proper precautions to insure secrecy of voting and fairness of administration from the beginning of the case in 1937 continuously for a period of some five years.

(45) To the refusal of the examiner to take, admit, consider and weigh the evidence of the employees.

[fol. 370] (46) The intervenor excepts to each and all of the rulings and actions of the trial examiner in the conduct of the former hearing herein which were made and taken over the objections or exceptions of the intervenor made at that time or which are adverse to the intervenor, for all of the grounds stated in the record and for the further reason that the bias and prejudice of the trial examiner toward intervenor and its evidence colored and affected said rulings and actions and said bias and prejudice affected and became a part of his findings, conclusions, recommendations and rulings, thereby depriving intervenor of a fair trial.

(47) Intervener excepts to all of the rulings made by the trial examiner in the second hearing herein over the objection to, or adverse to, the intervener and to which intervener had an automatic exception, and adopts and renews the objections appearing in the record in such second hearing, and for additional grounds to the exceptions herein taken states that such adverse rulings were influenced by the bias and prejudice of the examiner against the intervener and thereby deprived the intervener of a fair trial.

(48) Intervener hereby adopts all of the exceptions taken and filed in the respondent's statement of exceptions, but in order to avoid unnecessary lengthening of the record does not copy or insert them herein, but nevertheless makes and adopts them as fully and completely as though set forth herein in detail and in full.

Wherefore, intervener prays that the Board sustain its exceptions herein, that the intermediate report of the Trial Examiner be disproved and that the complaint be dismissed.

Respectfully submitted,

FRANK E. TYLER,  
LUCIAN LANE,

Attorneys for Intervener,  
Donnelly Garment Workers' Union.

---

# APPAREL

## INFORMATION RESPECTING COMPLIANCE WITH THE FAIR LABOR STANDARDS ACT OF 1938

Person submitting information Alex C. Green Date 10/30/40  
(Name)  
Name of firm DONNELLY GARMENT COMPANY  
(Corporation, partnership, or individually owned)  
Address of firm 1828 Walnut, Kansas City, Missouri  
(Street) (City) (State)  
Title of person submitting information Vice President

### I. WAGES

A. (From October 24, 1938 to October 24, 1939 an employer was required to pay each employee subject to the act not less than 25 cents per hour for each hour worked in each workweek as provided in section 6 (a) (1); and from October 24, 1939 to October 24, 1945 an employer is required to pay such employees not less than 30 cents per hour for each hour worked in each workweek as provided in section 6 (a) (2) of the act.)

(Answer "Yes" or "No" to each of the following questions)

1. Has the firm complied with section 6 (a) (1)? Yes
2. Has the firm complied with section 6 (a) (2)? Yes
3. Is the firm now complying with section 6 (a) (2)? Yes

B. (Although an employer is required to pay the minimum wages mentioned above, section 3 (m) permits an employer to pay wages in other than cash. Thus, if board, lodging, or other facilities are customarily furnished by an employer to his employees, the employer is permitted to include a reasonable cost for such items as part of the wages paid to each employee. Reasonable cost means actual cost to an employer and does not include a profit to the employer or to any affiliated person.)

(Answer "Yes" or "No" to the following questions)

1. In computing wages has the firm deducted from such wages any charge for facilities furnished its employees? No
2. If so, state nature of facilities furnished to employees and specific amounts deducted \_\_\_\_\_

NATIONAL LABOR RELATIONS BOARD

CASE NO. 1382

BOARD  
PEOPLE'S  
RESPONDENT  
INTERVIEW

EXHIBIT NO. 32A

IN THE MATTER OF Donnelly Garment Co.

DATE 8-6-42 WITNESS Frank

DANIEL W. ROSS, OFFICIAL

BY E. C. Cull

(Board's Exhibit 32A to 32E)

Refe



DATE 8-6-42 WITNESS Reed  
DANIEL W. ROSS, OFFICIAL REPORTER  
BY E. C. Reed

## II. OVERTIME

(From October 24, 1938 to October 24, 1939 an employer was required to pay each employee subject to the act at least one and one-half times the employee's regular rate of pay for all hours in excess of 44 in any workweek as provided in section 7 (a) (1); and from October 24, 1939 to October 24, 1940 an employer was required to pay each such employee at least one and one-half times the employee's regular rate of pay for all hours in excess of 42 in any workweek as provided in section 7 (a) (2) of the act; and from October 24, 1940 an employer is required to pay each employee at least one and one-half times the employee's regular rate of pay for all hours in excess of 40 in any workweek, as provided in section 7 (a) (3) of the act.)

7600

4061

Form AD-56  
(Rev. Aug. 1940)

## INFORMATION RESPECTING COMPLIANCE WITH THE FAIR LABOR STANDARDS ACT OF 1938

Person submitting information Alex C. Green Date 12/20/40  
(Name)  
Name of firm Donnelly Garment Co.  
(Corporation, partnership, or individually owned)  
Address of firm 1828 Walnut Street, Kansas City, Missouri  
(Street) (City) (State)  
Title of person submitting information Vice President

## I. WAGES

A. (From October 24, 1938 to October 24, 1939 an employer was required to pay each employee subject to the act not less than 25 cents per hour for each hour worked in each workweek as provided in section 6 (a) (1); and from October 24, 1939 to October 24, 1945 an employer is required to pay such employees not less than 30 cents per hour for each hour worked in each workweek as provided in section 6 (a) (2) of the act.)

(Answer "Yes" or "No" to each of the following questions)

1. Has the firm complied with section 6 (a) (1)? Yes
2. Has the firm complied with section 6 (a) (2)? Yes
3. Is the firm now complying with section 6 (a) (2)? Yes

B. (Although an employer is required to pay the minimum wages mentioned above, section 8 (m) permits an employer to pay wages in other than cash. Thus, if board, lodging, or other facilities are customarily furnished by an employer to his employees, the employer is permitted to include a reasonable cost for such items as part of the wages paid to each employee. Reasonable cost means actual cost to an employer and does not include a profit to the employer or to any affiliated person.)

(Answer "Yes" or "No" to the following questions)

1. In computing wages has the firm deducted from such wages any charge for facilities furnished its employees? No
2. If so, state nature of facilities furnished to employees and specific amounts deducted \_\_\_\_\_

CASE NO. C-2382

DATE 8-9-42 WITNESS Reed

DANIEL W. ROSS, OFFICIAL REPORTER  
BY E. C. Reed

## II. OVERTIME

Rejected.)

(Board's Exhibit 33 - Rejected)

(Answer "Yes" or "No" to each of the following questions)

1. Has the firm complied with section 7 (a) (1)? Yes
2. Has the firm complied with section 7 (a) (2)? Yes
3. Is the firm now complying with section 7 (a) (3)? Yes

### III. RECORDS

Under section 11 (c) the Administrator has prescribed regulations for record keeping. A copy of the "Employers' Digest" is attached. In order to determine whether your records conform to such regulations, please answer "Yes" or "No" to each of the following questions.

#### A. Has the firm kept a true and accurate record of:

1. The name of each employee Yes
2. The address of each employee Yes
3. The date of birth of each employee under 19 Yes yes as to most employees
4. All of the hours worked each workday by each employee and as to all employees now
5. All of the hours worked each workweek by each employee yes
6. Regular rate of pay of each employee yes
7. Total wages at regular rate of pay for each workweek, excluding extra pay for overtime Kept together at first, kept separately now.
8. Extra pay for each workweek for overtime \_\_\_\_\_
9. Additions to cash wages, if any, in the form of board, lodging, or other facilities none
10. Deductions from cash wages, if any, in the form of board, lodging, or other facilities none
11. Total wages paid for each workweek yes
12. Pay period yes
13. Date of payment yes
14. Is the firm keeping in a safe place and within easy access all of the information mentioned in Nos. A-1 through A-12? yes
15. Does the firm understand that such records must be kept for a period of at least 4 years after the entry of the record? yes
16. Will the firm keep such records for a period of at least 4 years after the entry of the record? yes

B. (No learner, apprentice, messenger, or handicapped worker may be employed at less than the minimum wage except under special certificate issued by the Wage and Hour Division in accordance with regulations promulgated by the Administrator.)

(Answer "Yes" or "No" to the following questions)

1. Does the firm employ such persons? Such persons are paid regular workers guarantee in excess of Wage & Hour minimums.
2. Has the firm obtained certificates for such employees? \_\_\_\_\_

### IV. SECTION 15 (a) (3)

(This section of the act makes it unlawful for any person to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this act, or has testified or is about to testify in any such proceeding, or has served or is about to serve on an industry committee.)

(Answer "Yes" or "No" to the following question)

1. Has the firm discharged any employee for any one of the above-mentioned reasons? No

### V. SECTION 15 (a) (1)

(It is unlawful under this section not only to produce goods for interstate commerce in violation of the act but also to ship, deliver, or sell in interstate commerce goods so produced. This is the "hot goods" provision. Any person found with such "hot goods" in his possession)

(Board's Exhibit 32A to 32E - Rejected

CASE NO. 1312  
NATIONAL LABOR RELATIONS BOARD  
IN THE MATTER OF  
DATE 8-6-42 WITNESS  
DANIEL W. ROSS, OFFICIAL CLERK  
EXHIBIT 32A-32E  
Comptroller

32A-32E

# Donnelly Garment Company

Pursuant to your request of December 29th the persons coming within the provision of the second part of Paragraph 6 of the questionnaire as at December 20, 1940 are as follows:

## EXECUTIVE

## SALARY

Mrs. Nell Quinlan Reed	President	Over \$200.00 per month
Lee Baty	Factory Manager	" "
John B. Bachofer	Controller	" "
C. W. Howard	Head of New York Office	" "
Elizabeth Reeves	Merchandise Manager	" "
Beulah Spillsbury	Chief of Designing Dept.	" "
Ella Mae Hyde	Personnel Manager	" "
Ted Scoles	Supervisor, Cutting Dept.	" "
Marvin Price	Supervisor, Bldg. Maintenance	" "
Lyle Jeter	Supervisor, Machine	" "
Ella Brown	Supervisor, Des. Mat'l.	" "
	Purchases	" "
Florence Strickland	Supervisor, Pattern Dept.	" "
Martha Gray	Supervisor, Retail Store	\$45.00 per week
Rose O'Leary	Supervisor, Mat'l. Purchases	45.00 " "
Pauline Hartman	Supervisor, Accounting	Over \$200.00 per month
Harlan Justus	Supervisor, Tabulating	\$42.50 per week
Helen Hauser	Supervisor, Planning Dept.	\$40.00 " "
Betty Belter	Supervisor, Notion Purch.	\$32.50 " "

## ADMINISTRATIVE

Dewey Atchison	Ass't to Factory Manager	Over \$200.00 per month
Mildred Francis	" " President	" "
Hilda Fitzgerald	" " Chief of Designing	" "
Fred Brown	" " Cutting Supervisor	" "
Cecile Ealy	" " Factory Manager	" "
Lena Tyhurst	" " Factory Manager	" "
Katie Schleicher	" " Chief of Designing	" "
Lula Nichols	" " " " "	" "

(Board's Exhibit 32A to



Lula Nichols

PROFESSIONAL

Nellie Kraft

Yolanda Prosperi

Gertrude Cain

Designer

Over \$200.00 per month

NATIONAL LABOR RELATIONS BOARD

Case NO. C-1382

BOARD  
PETITIONER  
RESPONDENT  
INTERVIEWER

EXHIBIT NO. 32-6

IN THE MATTER OF

DATE 8-6-42

WITNESS

DANIEL W. ROSS, OFFICIAL REPORTER

BY

*E. Creel*

7001

to 32E - Rejected.)

4065

4-32  
e

he is not the original producer, may be restrained by injunction from shipping these goods in interstate commerce. He may also be subject to the criminal penalties of the act if he ships them knowing or having reason to believe that they were produced in violation of the wage and hour provisions of the act.)

(Answer "Yes" or "No" to the following questions)

1. Has the firm violated section 15 (a) (1)? ..... No .....
2. List four or five principal suppliers of the goods handled by your firm and purchasers of such goods from your firm .....

Cohn, Hall, Marx	New York City
Harlem Adler	" " "
Schwarsenback Huber	" " "
Emery Bird Thayer	Kansas City, Mo.
J. L. Hudson	Detroit, Mich.

#### VI. EMPLOYEES

Total number of employees on the firm's pay roll ..... 1,090

Total number of employees whom your firm considers exempt from the provisions of the act. (Refer to Employers' Digest) includes salesman ..... 49

#### VII. RESTITUTION

(Board's Exhibit 32A)



### VII. RESTITUTION

Will your firm make immediate restitution of wages found to be due any employee under the supervision of the Wage and Hour Division of the United States Department of Labor? Yes  
Any remarks in this connection should be made below or attached in a separate statement

NATIONAL LABOR RELATIONS BOARD

CASE NO. C-182

DEPARTMENT OF LABOR  
WASHINGTON, D. C.

EXHIBIT

32-C

IN THE MATTER OF

DATED 8-6-42 WITNESS Reed

DANIEL W. ROSS, OFFICIAL READER

BY E. Creed

The nature of business of the above establishment is Garment Manufacturing

The products sold or services rendered by the establishment are

House dresses and wash frocks

7002

1 to 32E

Rejected.)

4067

7002a

Our firm ships goods or products directly to the following States

All States

The approximate percentage of the firm's total production that is shipped out of State is

97%

We provide services in the following States

We receive goods or products from the following States New York, New Jersey, Mass.,  
R. Island, Del. Conn. Penn. Maryland

The last shipment made out of the State was in yesterday

Our firm sells to purchasers or processors who in turn ship to the following States

Approximately 100 percent of our goods are sold for resale.

There are approximately 1,100 persons employed by the firm.

This information covers the period from October 24, 1938, to the date of this statement.

I do further state that the information supplied hereinabove or attached hereto is furnished in good faith and I understand and agree that the acceptance of this information by the Wage and Hour Division of the United States Department of Labor shall not affect in any way any cause of action arising under the act and that this information shall not give immunity in any action, civil or criminal, that may be brought under the act.

I hereby acknowledge that a copy of this questionnaire with the information contained therein or attached thereto has been received by me and is in my possession or the possession of this firm.

*Walter J. Green*

(Name)

*Vice Pres.*

(Title of office in firm)

1828 Walnut, Kansas City, Mo.

(Address)

(Board's Exhibit 32A to 32E - Rejected.)

BY E. Creek

## II. OVERTIME

(From October 24, 1938 to October 24, 1939 an employer was required to pay each employee subject to the act at least one and one-half times the employee's regular rate of pay for all hours in excess of 44 in any workweek as provided in section 7 (a) (1); and from October 24, 1939 to October 24, 1940 an employer was required to pay each such employee at least one and one-half times the employee's regular rate of pay for all hours in excess of 42 in any workweek as provided in section 7 (a) (2) of the act; and from October 24, 1940 an employer is required to pay each employee at least one and one-half times the employee's regular rate of pay for all hours in excess of 40 in any workweek, as provided in section 7 (a) (3) of the act.)

7004

(Answer "Yes" or "No" to each of the following questions)

1. Has the firm complied with section 7 (a) (1)? Yes
2. Has the firm complied with section 7 (a) (2)? Yes
3. Is the firm now complying with section 7 (a) (3)? Yes

## III. RECORDS

Under section 11 (c) the Administrator has prescribed regulations for record keeping. A copy of the "Employers' Digest" is attached. In order to determine whether your records conform to such regulations, please answer "Yes" or "No" to each of the following questions.

### A. Has the firm kept a true and accurate record of:

1. The name of each employee Yes
2. The address of each employee Yes
3. The date of birth of each employee under 19 Yes Yes as to most employees and as to all employees now
4. All of the hours worked each workday by each employee Yes
5. All of the hours worked each workweek by each employee Yes
6. Regular rate of pay of each employee Yes
7. Total wages at regular rate of pay for each workweek, excluding extra pay for overtime Yes Kept together at first kept separately now
8. Extra pay for each workweek for overtime Yes
9. Additions to cash wages, if any, in the form of board, lodging, or other facilities None
10. Deductions from cash wages, if any, in the form of board, lodging, or other facilities None
11. Total wages paid for each workweek Yes
12. Pay period Yes
13. Date of payment Yes
14. Is the firm keeping in a safe place and within easy access all of the information mentioned in Nos. A-1 through A-12? Yes
15. Does the firm understand that such records must be kept for a period of at least 4 years after the entry of the record? Yes
16. Will the firm keep such records for a period of at least 4 years after the entry of the record? Yes

B. (No learner, apprentice, messenger, or handicapped worker may be employed at less than the minimum wage except under special certificate issued by the Wage and Hour Division in accordance with regulations promulgated by the Administrator.)

(Answer "Yes" or "No" to the following questions)

1. Does the firm employ such persons? Such persons are paid regular workers
2. Has the firm obtained certificates for such employees? guarantee in excess of wage & hour minimums

## IV. CHILD LABOR

Sec. 3 (l), and regulations and orders thereunder, in effect, establish a basic 16-year minimum age for employment, an 18-year minimum age for employment in occupations found and by order declared hazardous by the Chief of the Children's Bureau, and a 14-year minimum for certain non-mining, nonmanufacturing, and nonprocessing occupations for limited periods outside school hours. An employer may protect himself against unintentionally employing under-aged minors by obtaining employment certificates or certificates of age showing the minors to be above the minimum age for the occupations in which they are employed. Employers are advised to have on file certificates for minors under 20 in occupations declared hazardous and under 18 in all other occupations.

1. How many minors 16 and 17 years of age do you have in your employ? With certificates Without certificates
2. How many minors 18 and 19 years of age in occupations declared hazardous do you have in your employ? With certificates Without certificates
3. Do you have in your employ any minors under 16? With certificates Without certificates  
Give occupation Hours of work

ected.)

4071

(Board's Exhibit 34A to 34E - Rejected.)



7024a

(Answer "Yes" or "No" to each of the following questions)

1. Has the firm complied with section 7 (a) (1)? Yes
2. Has the firm complied with section 7 (a) (2)? Yes
3. Is the firm now complying with section 7 (a) (3)? Yes

### III. RECORDS

Under section 11 (c) the Administrator has prescribed regulations for record keeping. A copy of the "Employers' Digest" is attached. In order to determine whether your records conform to such regulations, please answer "Yes" or "No" to each of the following questions.

A. Has the firm kept a true and accurate record of:

1. The name of each employee Yes
2. The address of each employee Yes
3. The date of birth of each employee under 19 Yes Yes as to most employees
4. All of the hours worked each workday by each employee and as to all employees now
5. All of the hours worked each workweek by each employee Yes
6. Regular rate of pay of each employee Yes
7. Total wages at regular rate of pay for each workweek, excluding extra pay for overtime Kept together at first kept separately now
8. Extra pay for each workweek for overtime Kept together at first kept separately now
9. Additions to cash wages, if any, in the form of board, lodging, or other facilities none
10. Deductions from cash wages, if any, in the form of board, lodging, or other facilities none
11. Total wages paid for each workweek Yes
12. Pay period Yes
13. Date of payment Yes
14. Is the firm keeping in a safe place and within easy access all of the information mentioned in Nos. A-1 through A-12? Yes
15. Does the firm understand that such records must be kept for a period of at least 4 years after the entry of the record? Yes
16. Will the firm keep such records for a period of at least 4 years after the entry of the record? Yes

B. (No learner, apprentice, messenger, or handicapped worker may be employed at less than the minimum wage except under special certificate issued by the Wage and Hour Division in accordance with regulations promulgated by the Administrator.)

(Answer "Yes" or "No" to the following questions)

1. Does the firm employ such persons? Such persons are paid regular workers guarantee in excess of wage & hour minimums
2. Has the firm obtained certificates for such employees? minimums

### IV. SECTION 15 (a) (3)

(This section of the act makes it unlawful for any person to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this act, or has testified or is about to testify in any such proceeding, or has served or is about to serve on an industry committee.)

(Answer "Yes" or "No" to the following question)

1. Has the firm discharged any employee for any one of the above-mentioned reasons? No

### V. SECTION 15 (a) (1)

(It is unlawful under this section not only to produce goods for interstate commerce in violation of the act but also to ship, deliver, or sell in interstate commerce goods so produced. This is the "hot goods" provision. Any person found with such "hot goods" in his possession, even though

(Board's Exhibit 33 - Rejected.)

he is not the original producer, may be restrained by injunction from shipping these goods in interstate commerce. — He may also be subject to the criminal penalties of the act if he ships them knowing or having reason to believe that they were produced in violation of the wage and hour provisions of the act.)

(Answer "Yes" or "No" to the following questions)

1. Has the firm violated section 15 (a) (1)? No
2. List four or five principal suppliers of the goods handled by your firm and purchasers of such goods from your firm \_\_\_\_\_

Cohn Hall Marx

New York City, New York

Harlem Adler

" " " " "

Schwarzenbach Huber

" " " "

Donnelly Garment Sales Co.

#### VI. EMPLOYEES

Total number of employees on the firm's pay roll

973

Total number of employees whom your firm considers exempt from the provisions of the act. (Refer to Employers' Digest)

29

#### VII. RESTITUTION

(Board's Exhibit)



## VII. RESTITUTION

Will your firm make immediate restitution of wages found to be due any employee under the supervision of the Wage and Hour Division of the United States Department of Labor? Yes

Any remarks in this connection should be made below or attached in a separate statement

NATIONAL LABOR RELATIONS BOARD

CASE NO.

BOARD  
RESPONDENT  
INTERVIEWER

EXHIBIT NO.

IN THE MATTER OF

DATE

WITNESS

DANIEL W. ROSS, OFFICIAL READER  
BY

The nature of business of the above establishment is

Garment Manufacturing

The products sold or services rendered by the establishment are

Ladies' house dresses, wash frocks and play suits under the  
trade name of "Kelly Don".

hibit 33 - Rejected.)

4075

7005

7005a

Our firm ships goods or products directly to the following States Missouri and Kansas  
and at various times to other states.

The approximate percentage of the firm's total production that is shipped out of State is

Approximately 10% - less

We provide services in the following States, New York

We receive goods or products from the following States New York, New Jersey,  
Mass. Rhode Island, Del. Conn. Penn. Maryland

The last shipment made out of the State was in See, below

Our firm sells to purchasers or processors who in turn ship to the following States Except for the  
(above), Goods are sold to Donnelly Garment Sales Co. - a separate Corporation  
located in same building.

Approximately 100 percent of our goods are sold for resale.

There are approximately 1,000 persons employed by the firm.

This information covers the period from October 24, 1938, to the date of this statement.

I do further state that the information supplied hereinabove or attached hereto is furnished in good faith and I understand and agree that the acceptance of this information by the Wage and Hour Division of the United States Department of Labor shall not affect in any way any cause of action arising under the act and that this information shall not give immunity in any action, civil or criminal, that may be brought under the act.

I hereby acknowledge that a copy of this questionnaire with the information contained therein or attached thereto has been received by me and is in my possession or the possession of this firm.

Alvin G. Green  
(Name)

Vice Pres.  
(Title of office in firm)

(Address)

(Board's Exhibit 33 - Rejected.)

INFORMATION RESPECTING COMPLIANCE WITH THE  
FAIR LABOR STANDARDS ACT OF 1938

Person submitting information Alex C. Green Date 12/27/40  
(Name)

Name of firm Donnelly Garment Co.  
(Corporation, partnership, or individually owned)

Address of firm 1828 Walnut Street, Kansas City, Missouri  
(Street) (City) (State)

Title of person submitting information Vice-President.

I. WAGES

A. (From October 24, 1938 to October 24, 1939 an employer was required to pay each employee subject to the act not less than 25 cents per hour for each hour worked in each workweek as provided in section 6 (a) (1); and from October 24, 1939 to October 24, 1945 an employer is required to pay such employees not less than 30 cents per hour for each hour worked in each workweek as provided in section 6 (a) (2) of the act.)

(Answer "Yes" or "No" to each of the following questions)

1. Has the firm complied with section 6 (a) (1)? Yes
2. Has the firm complied with section 6 (a) (2)? Yes
3. Is the firm now complying with section 6 (a) (2)? Yes

B. (Although an employer is required to pay the minimum wages mentioned above, section 3 (m) permits an employer to pay wages in other than cash. Thus, if board, lodging, or other facilities are customarily furnished by an employer to his employees, the employer is permitted to include a reasonable cost for such items as part of the wages paid to each employee. Reasonable cost means actual cost to an employer and does not include a profit to the employer or to any affiliated person.)

(Answer "Yes" or "No" to the following questions)

~~1. Is the firm operating under a wage order? If so, which one?~~

1. In computing wages has the firm deducted from such wages any charge for facilities furnished its employees? No

2. If so, state nature of, facilities furnished to employees and specific amounts deducted

NATIONAL LABOR RELATIONS BOARD

CASE NO. C-1382 BOARD ☒ WITH NEW ☐ EXHIBIT 34-5  
IN THE MATTER OF Donnelly Garment Co., et al.  
DATE 8-7-42 WITNESS Reed

DANIEL W. ROSS, OFFICIAL RECORDER

II. OVERTIME

(Board's Exhibit 34A to 34E) Rejecte

DANIEL W. ROSS, OFFICIAL REPORTER

## II. OVERTIME

(From October 24, 1938, to October 24, 1939, an employer was required to pay each employee subject to the act at least one and one-half times the employee's regular rate of pay for all hours in excess of 44 in any workweek as provided in section 7 (a) (1); and from October 24, 1939 to October 24, 1940 an employer was required to pay each such employee at least one and one-half times the employee's regular rate of pay for all hours in excess of 42 in any workweek as provided in section 7 (a) (2) of the act; and from October 24, 1940 an employer is required to pay each employee at least one and one-half times the employee's regular rate of pay for all hours in excess of 40 in any workweek, as provided in section 7 (a) (3) of the act.)

acted.)

4079

Donnelly Garment Company

Pursuant to your request of December 29th the persons coming within the provision of the second part of Paragraph 6 of the questionnaire as at December 20, 1940 are as follows:

EXECUTIVE

		<u>SALARY</u>
Mrs. Nell Quinlan Reed	President	Over \$200.00 per month
Lee Baty	Factory Manager	" "
John B. Bachofer	Controller	" "
C. W. Howard	Head of New York Office	" "
Elizabeth Reeves	Merchandise Manager	" "
Beulah Spilbury	Chief of Designing Dept.	" "
Ella Mae Hyde	Personnel Manager	" "
Ted Scoles	Supervisor, Cutting Dept.	" "
Marvin Price	Supervisor, Bldg. Maintenance	" "
Lyle Jeter	Supervisor, Machine "	" "
Ella Brown	Supervisor, Des. Matl. Purchases	" "
Florence Strickland	Supervisor, Pattern Dept.	" "
Martha Gray	Supervisor, Retail Store	\$45.00 per week
Rose O'Leary	Supervisor, Matl. Purchases	45.00 " "
Pauline Hartman	Supervisor, Accounting	Over \$200.00 per month
Harlan Justus	Supervisor, Tabulating	\$42.50 per week
Helen Hauser	Supervisor, Planning Dept.	\$40.00 per week
Betty Belter	Supervisor, Notion Purch.	\$32.50 " "

ADMINISTRATIVE

Dewey Atchison	Asst. to Factory Manager	Over \$200.00 per month
Mildred Francis	" " President	" "
Hilda Fitzgerald	" " Chief of Designing	" "
Fred Brown	" " Cutting Supervisor	" "
Cecile Ealy	" " Factory Manager	" "
Lena Tyhurst	" " Factory Manager	" "
Katie Schleicher	" " Chief of Designing	" "
Lula Nichols	" " " " "	" "

PROFESSIONAL

Nellie Kraft	Designer	Over \$200.00 per month
Yolanda Prosperi	"	" "
Gertude Cain	"	" "

(Board's Exhibit 34A to 34E - Rejected



#### IV. SECTION 15 (a) (3)

(This section of the act makes it unlawful for any person to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this act, or has testified or is about to testify in any such proceeding, or has served or is about to serve on an industry committee.)

(Answer "Yes" or "No" to the following question)

1. Has the firm discharged any employee for any one of the above-mentioned reasons? No

#### V. SECTION 15 (a) (1)

(It is unlawful under this section not only to produce goods for interstate commerce in violation of the act but also to ship, deliver, or sell in interstate commerce goods so produced. This is the "hot goods" provision. Any person found with such "hot goods" in his possession, even though he is not the original producer, may be restrained by injunction from shipping these goods in interstate commerce. He may also be subject to the criminal penalties of the act if he ships them knowing or having reason to believe that they were produced in violation of the wage and hour provisions of the act.)

(Answer "Yes" or "No" to the following questions)

1. Has the firm violated section 15 (a) (1)? No
2. List four or five principal suppliers of the goods handled by your firm and purchasers of such goods from your firm

Cohn Hall Marx New York City, New York

Harlem Adler

Schwarzenbach Huber

Donnelly Garment Sales Co.

New York City, New York

CASE NO. C-1382

IN THE MATTER OF

DATE 6-7-42

DANIEL W. ROSS, OFFICIAL REPORTER

BY E. Creel

973

Total number of employees on the firm's pay roll

Total number of employees whom your firm considers exempt from the provisions of the act. (Refer to Employers' Digest)

\* Total number of homeworkers

29

#### VII. RESTITUTION

Will your firm make in mediate restitution of wages found to be due any employee under the supervision of the Wage and Hour Division of the United States Department of Labor?

Any remarks in this connection should be made below or attached in a separate statement.

(Board's Exhibit 34A to 34E - Rejected

The nature of business of the above establishment is

Garment Manufacturing

The products sold or services rendered by the establishment are Ladies' house dresses, wash frocks and play suits under the trade name of "Nelly Don".

~~If work is given to homeworkers through contractors, fill up a separate sheet, the number and address of the contractor.~~

~~October 24, 1938.~~

34-W 7009a

Our firm ships goods or products directly to the following States Missouri and Kansas  
and at various times to other States \_\_\_\_\_

The approximate percentage of the firm's total production that is shipped out of State is  
Approximately 1% or less

We provide services in the following States New York

We receive goods or products from the following States New York, New Jersey,  
Mass. Rhode Island, Del. Conn. Penn. Maryland

The last shipment made out of the States was in See below

Our firm sells to purchasers or processors who in turn ship to the following States except for the percentage shipped  
(above) goods are sold to Donnelly Garment Sales Co. - a separate Corporation

located in the same building.  
Approximately 100 percent of our goods are sold for resale.

Approximately 1,000 persons are employed by the firm.

This information covers the period from October 24, 1938 to the date of this statement.

I do further state that the information supplied hereinabove or attached hereto is furnished in good faith and I understand and agree that the acceptance of this information by the Wage and Hour Division of the United States Department of Labor shall not affect in any way any cause of action arising under the act and that this information shall not give immunity in any action, civil or criminal, that may be brought under the act.

I hereby acknowledge that a copy of this questionnaire with the information contained therein or attached thereto has been received by me and is in my possession or the possession of this firm.

/s/ Alex C. Green  
(Name)

Vice-Pres.  
(Title of office in firm)

(Address)

(Board's Exhibit 34A to 34E - Rejected.)

INFORMATION RESPECTING COMPLIANCE WITH THE  
FAIR LABOR STANDARDS ACT OF 1938

Person submitting information Alex C. Green Date 12/20/40  
(Name)  
Name of firm Donnelly Garment Sales Co.  
(Corporation, partnership, or individually owned)  
Address of firm 1828 Walnut Street, Kansas City, Missouri  
(Street) (City) (State)  
Title of person submitting information President

I. WAGES

A. (From October 24, 1938 to October 24, 1939 an employer was required to pay each employee subject to the act not less than 25 cents per hour for each hour worked in each workweek as provided in section 6 (a) (1); and from October 24, 1939 to October 24, 1945 an employer is required to pay such employees not less than 30 cents per hour for each hour worked in each workweek as provided in section 6 (a) (2) of the act.)

(Answer "Yes" or "No" to each of the following questions)

1. Has the firm complied with section 6 (a) (1)? Yes
2. Has the firm complied with section 6 (a) (2)? Yes
3. Is the firm now complying with section 6 (a) (2)? Yes

B. (Although an employer is required to pay the minimum wages mentioned above, section 3 (m) permits an employer to pay wages in other than cash. Thus, if board, lodging, or other facilities are customarily furnished by an employer to his employees, the employer is permitted to include a reasonable cost for such items as part of the wages paid to each employee. Reasonable cost means actual cost to an employer and does not include a profit to the employer or to any affiliated person.)

(Answer "Yes" or "No" to the following questions)

1. In computing wages has the firm deducted from such wages any charge for facilities furnished its employees? No
2. If so, state nature of facilities furnished to employees and specific amounts deducted

NATIONAL LABOR RELATIONS BOARD

CASE NO. C-1382 BOARD  
RESPONDENT Donnelly Garment Sales Co. EXHIBIT NO. 35-16  
IN THE MATTER OF Donnelly Garment Sales Co.  
DATE 8-6-42 WITNESS Reed

DANIEL W. ROSS, OFFICIAL REPORT  
BY E. C. C.

II. OVERTIME

(Board's Exhibit 35A to 35E

Rejected.)



DANIEL W. ROSS, OFFICIAL REPORT  
BY *E. C. C.*

## II. OVERTIME

(From October 24, 1938 to October 24, 1939 an employer was required to pay each employee subject to the act at least one and one-half times the employee's regular rate of pay for all hours in excess of 44 in any workweek as provided in section 7 (a) (1); and from October 24, 1939 to October 24, 1940 an employer was required to pay each such employee at least one and one-half times the employee's regular rate of pay for all hours in excess of 42 in any workweek as provided in section 7 (a) (2) of the act; and from October 24, 1940 an employer is required to pay each employee at least one and one-half times the employee's regular rate of pay for all hours in excess of 40 in any workweek, as provided in section 7 (a) (3) of the act.)

7011

ected.)

4089



7011a 35 B  
(Answer "Yes" or "No" to each of the following questions)

1. Has the firm complied with section 7 (a) (1)? Yes
2. Has the firm complied with section 7 (a) (2)? Yes
3. Is the firm now complying with section 7 (a) (3)? Yes

### III. RECORDS

Under section 11 (c) the Administrator has prescribed regulations for record keeping. A copy of the "Employers' Digest" is attached. In order to determine whether your records conform to such regulations, please answer "Yes" or "No" to each of the following questions.

A. Has the firm kept a true and accurate record of:

1. The name of each employee Yes
2. The address of each employee Yes
3. The date of birth of each employee under 19 Yes
4. All of the hours worked each workday by each employee Yes as to most employees and as to all employees now
5. All of the hours worked each workweek by each employee Yes
6. Regular rate of pay of each employee Yes
7. Total wages at regular rate of pay for each workweek, excluding extra pay for kept together overtime at first kept separately now
8. Extra pay for each workweek for overtime at first kept separately now
9. Additions to cash wages, if any, in the form of board, lodging, or other facilities None
10. Deductions from cash wages, if any, in the form of board, lodging, or other facilities None
11. Total wages paid for each workweek Yes
12. Pay period Yes
13. Date of payment Yes
14. Is the firm keeping in a safe place and within easy access all of the information mentioned in Nos. A-1 through A-12? Yes
15. Does the firm understand that such records must be kept for a period of at least 4 years after the entry of the record? Yes
16. Will the firm keep such records for a period of at least 4 years after the entry of the record? Yes

B. (No learner, apprentice, messenger, or handicapped worker may be employed at less than the minimum wage except under special certificate issued by the Wage and Hour Division in accordance with regulations promulgated by the Administrator.)

(Answer "Yes" or "No" to the following questions)

1. Does the firm employ such persons? Such persons are paid regular workers guarantee in excess of wage & hour minimums
2. Has the firm obtained certificates for such employees? minimums

### IV. SECTION 15 (a) (3)

(This section of the act makes it unlawful for any person to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this act, or has testified or is about to testify in any such proceeding, or has served or is about to serve on an industry committee.)

(Answer "Yes" or "No" to the following question)

1. Has the firm discharged any employee for any one of the above-mentioned reasons? No

### V. SECTION 15 (a) (1)

(It is unlawful under this section not only to produce goods for interstate commerce in violation of the act but also to ship, deliver, or sell in interstate commerce goods so produced. This is the "hot goods" provision. Any person found with such "hot goods" in his possession, even though

(Board's Exhibit 35A to 35E - Rejected.)

Donnelly Garment Sales Company

35-6

Pursuant to your request of December 29th the persons coming within the provision of the second part of Paragraph 6 of the questionnaire as at December 20, 1940 are as follows:

EXECUTIVE

		<u>SALARY</u>
Alex C. Green	President	Over \$200.00 per month
George T. Keyes	Was Sales Manager	" "
B. Stephenson	Credit Manager	" "
George Fitzgerald	Advertising Manager	" "
Ortense Root	Supervisor, Sample Dept.	\$42.50 per week
Anna Price	Supervisor, Shipping Dept.	Over \$200.00 per month
Sam Sparks	Supervisor, Order Dept.	" "
Opha Babb	Supervisor, Acc'ts. Payable & Accounting	\$45.00 per week
Ruth Wilcox	Supervisor, Tabulating	\$42.50 " "

ADMINISTRATIVE

Frances Keith	Ass't. to Adv. Manager	Over \$200.00 per month
Ellen Hughes	" " " " (outside)	" "
Clem Smith	" " " " (outside)	" "

OUTSIDE SALESMEN

J. R. Allen  
George A. Barton  
E. L. Benton  
D. E. Cohn  
H. C. Cohn  
Robert Crumpley  
J. K. DeHaven  
Hubert Dille  
Russell Farrar  
Frank Fleming  
Fred Gardner  
E. L. Gutzmer  
C. E. Hildebrandt  
F. S. Howie  
T. B. Kehler  
Harold Knutson  
Mervin Lund  
Earl McHugh  
John O'Keefe  
A. B. Oldham  
James Rodgers  
Robert L. Ross  
John Sawyer  
Carrol Simon

NATIONAL LABOR RELATIONS BOARD

CASE NO. C-1382

BOARD  
PETITIONER  
RESPONDENT  
INTERVIEWER

EXHIBIT NO. 35-E

THE MATTER OF  
DATE 8-7-42

WITNESS  
DANIEL W. ROSS OFFICIAL REPORT

By *E. C. C.*

(Board's Exhibit 35A to 35E - Rejected.)

33

he is not the original producer, may be restrained by injunction from shipping these goods in interstate commerce. He may also be subject to the criminal penalties of the act if he ships them knowing or having reason to believe that they were produced in violation of the wage and hour provisions of the act.)

(Answer "Yes" or "No" to the following questions)

1. Has the firm violated section 15 (a) (1)? No
2. List four or five principal suppliers of the goods handled by your firm and purchasers of such goods from your firm \_\_\_\_\_

Donnelly Garment Co.

Emery Bird Thayer

Kansas City, Mo.

J. L. Hudson

Detroit, Mich.

**VI. EMPLOYEES**

Total number of employees on the firm's pay roll 117

Total number of employees whom your firm considers exempt from the provisions of the act. (Refer to Employers' Digest) 40

**VII. RESTITUTION**

Will your firm make immediate restitution of wages found to be due any employee under the supervision of the Wage and Hour Division of the United States Department of Labor Yes

Any remarks in this connection should be made below or attached in a separate statement

(Board's Exhibit 35A to 35E)

NATIONAL LABOR RELATIONS BOARD

CASE NO. C-1382

COMMITTEE  
ON THE  
NATIONAL  
REPRESENTATIVE  
SYSTEM

EXHIBIT NO. 3

IN THE MATTER OF *Danally Garment*  
DATE 8-7-42 WITNESS *Reed*

DANIEL W. ROSS, OFFICIAL  
BY *E. Reed*

Rejected. 4995

10-10834

7013

The nature of business of the above establishment is

Garment Selling

The products sold or services rendered by the establishment are

ladies' house dresses, wash frocks and play suits under the

trade name of "Nelly Don".



70/3a 35-8  
Our firm ships goods or products directly to the following States \_\_\_\_\_

All states

The approximate percentage of the firm's total production that is shipped out of State is \_\_\_\_\_

Over eighty

We provide services in the following States \_\_\_\_\_ None

We receive goods or products from the following States \_\_\_\_\_ Missouri

The last shipment made out of the State was in \_\_\_\_\_ 12/19/40

Our firm sells to purchasers or processors who in turn ship to the following States \_\_\_\_\_

Approximately \_\_\_\_\_ 100 \_\_\_\_\_ percent of our goods are sold for resale.

There are approximately \_\_\_\_\_ 120 \_\_\_\_\_ persons employed by the firm.

This information covers the period from October 24, 1938, to the date of this statement.

I do further state that the information supplied hereinabove or attached hereto is furnished in good faith and I understand and agree that the acceptance of this information by the Wage and Hour Division of the United States Department of Labor shall not affect in any way any cause of action arising under the act and that this information shall not give immunity in any action, civil or criminal, that may be brought under the act.

I hereby acknowledge that a copy of this questionnaire with the information contained therein or attached thereto has been received by me and is in my possession or the possession of this firm.

*W. L. Green*

(Name)

*Pres.*

(Title of office in firm)

(Address)

(Board's Exhibit 35A to 35E - Rejected.)



## The DAY IN WASHINGTON

Senator Tydings warned the senate of another depression and urged government economy.

Authoritative sources said a house appropriations subcommittee cut 1 billion dollars from President Roosevelt's proposed 1 billion dollars for relief.

The house appropriations committee reduced the interior department appropriation by 5 million dollars.

Administration officials were noncommittal on a proposal by Representative Dies that Mr. Roosevelt call an international monetary conference.

Counsel recommended to the securities commission that it test its power to compel testimony.

John L. Lewis's Committee for Industrial Organization issued its first charters.

Senator Shipstead announced opposition to the Supreme court reorganization bill.

Senator Wheeler charged at the railroad finance hearing that the late Van Sweringen used "dummy corporations" in defiance of the Interstate Commerce commission.

to "fight to a finish" any attempt to organize the workers under the international.

The delegates appropriated \$100,000 for a campaign to unionize the Donnelly workers. Miss Rose Todd, chairman of the unaffiliated union in the Donnelly plant, replied in Kansas City today that "it will take a lot more than \$100,000 to beat us." Asked if he had any comment to make on the Donnelly union chairman's statement, David Dubinsky, international president, said:

"Union chairman? There is no union in the Donnelly plant."

### RAID TIP-OFFS BY POLICE.

New Charge Is Made in San Francisco Graft Probe.

(By the Associated Press)

SAN FRANCISCO, May 11.—Edwin Atherton, former federal agent, charged today that sources within the San Francisco police department tipped off the underworld in advance of raids. Atherton's charges

### NEERS BY PLANT UNION

DONNELLY WORKERS INDICATE THEY ARE READY TO FIGHT.

Outside Help Is Needed to Protect Jobs and Working Conditions, Miss Rose Todd Tells 1,300.

Asked by their general chairman if they intended to fight efforts of the International Ladies' Garment Workers' union to organize their plant, approximately 1,300 members of the Donnelly garment workers' union yesterday afternoon cheered their as-

the employees met on the second

representatives of the union already had asked the management for a closed shop, and if that request were granted it would mean that all who worked at the Donnelly Garment company would have to belong to the plant union and to no other. A union label would be sewed in all garments produced at the plant, Miss Todd said in answer to a question.

Miss Todd is to receive half of her salary from the union and half from the plant. She will work half a day for each. Frank Tyler has been retained as attorney for the union.

### NO UNION, DUBINSKY SAYS.

Garment Workers' Head Makes Curt Reply to a Statement.

(By the Associated Press.)

ATLANTIC CITY, N. J., May 11.



—Kansas City Star Photograph.

ADMITTING THEIR CONFERENCE IN THEIR OWN PLANT UNION. . . 1,300 EMPLOYEES OF THE DONNELLY GARMENT COMPANY INDICATE AT A MASS MEETING THEY DO NOT DESIRE TO AFFILIATE WITH THE INTERNATIONAL LADIES' GARMENT WORKERS' UNION. . . A SECTION OF THE GROUP THAT MET ON THE SECOND FLOOR OF THE PLANT.

to protect and weights the the public  
of the 2783  
managers  
amending  
the life

### MISSOURI COAL DEALERS

by Mike  
Jones.

at South-  
rents Mr.  
10 West  
ght their  
my trucks  
to return  
be neigh-  
marking

at South-  
rents Mr.  
10 West  
ght their  
my trucks  
to return  
be neigh-  
marking



**bination**  
**LUBRICAT**  
**COOLING SYS**  
**SPECI**

HERE'S WHAT WE  
LUBRICATE entire chassis—  
according to our manufacturer's  
using Goodrich 35-Point Check-  
DRAIN, flush and refill cooling sys-  
tem, and  
CHECK lights, horns, windshield  
and battery.

ch Silverton  
Stores SERVICE  
ray 15th & McC

# WES

DO YOU WANT TO

☐ Editor ☐ Correspondent ☐ Author ☐  
 Please Print identified, above.

S.S. \_\_\_\_\_  
 Tel. \_\_\_\_\_  
 Address \_\_\_\_\_

I hope your name, partly defined  
 (over done)

Please  
 to Campus... or please our office  
 1515, General Agent, Pasadena, Calif.  
 - Kansas City, Mo. 3rd St. Union Hall

NORTH COAST

ant to

ant to

ant to

ant to

ant to

ant to

ant to

ant to

ant to

ant to

ant to

ant to

ant to

ant to

of the plant at 1828 Walnut  
 Miss Rose Todd, chairman of  
 plant union which was organized  
 37, told the group the meeting  
 been called because so many of  
 employees had stopped at her desk  
 express their opinion of David Du-  
 binsky's attack on the company.  
 Many the international union of  
 Dubinsky is president appro-  
 ximately \$100,000 to be used to or-  
 ganize the Donnelly company.  
 "Are we going to defend our rights  
 in this plant union and 'in this fight?'"  
 Todd asked the assembly.  
 The group cheered and handclap-  
 ping was the answer.

EVERYBODY SHOULD BE INFORMED.

This is very encouraging to hear,"  
 Todd continued, when quiet had  
 been restored. "If Dubinsky has any  
 things here, they had better carry  
 them to him."

Again there were cheers.

Todd told the union members  
 James A. Reed, whose wife, the  
 Mrs. Nell Donnelly, is the owner of  
 the plant, had represented the com-  
 pany in suits over patent infring-  
 ing and other matters, but that he  
 otherwise had no connection with the  
 company. In his attack on the com-  
 pany and its working conditions,  
 Dubinsky has linked Reed with its  
 management.

"We intend to protect our jobs and  
 get the right kind of working con-  
 ditions," Miss Todd continued. "We  
 don't need the help of any outsiders  
 to accomplish these things."

PEACEFUL METHODS URGED.

"If any organizers call on you at  
 home, have your answers ready. I  
 think we all understand we are not  
 going to join Dubinsky's union. We  
 will make any necessary effort to pro-  
 tect ourselves, but let us try to be  
 peaceful."

Miss Todd told the plant union  
 members that their dues would be 25  
 cents a month and the union cards  
 were being printed. She said repre-

Leaders of the International Ladies  
 Garment Workers union received  
 word from Kansas City tonight that



AS FAR AS DAVID DUBINSKY IS  
 CONCERNED, THERE IS NO UNION"  
 AT THE DONNELLY GARMENT COM-  
 PANY. THE PRESIDENT OF THE  
 INTERNATIONAL LADIES' GARMENT  
 WORKERS UNION IN A MOMENT OF  
 ORATORY.

what they described as a "company  
 union" in the Donnelly Garment  
 company's plant there was prepared

union in the Donnelly plant.

## RAID TIP-OFFS BY POLICE.

New Charge Is Made in San Fran-  
 cisco Graft Probe.

(By the Associated Press)

SAN FRANCISCO, May 11.—Edwin  
 Atherton, former federal agent,  
 charged today that sources within  
 the San Francisco police department  
 tipped off the underworld in ad-  
 vance of raids. Atherton recently ac-  
 cused the department of collecting a  
 million dollars annually in graft.

Atherton said he tapped telephone  
 lines into the McDonough Brothers'  
 bail bond concern and learned of the  
 tip-offs. Atherton has been making  
 an investigation for more than a year.  
 Police said they would investigate  
 the charges.

Many a successful business has been  
 built on a foundation of Star Want  
 Ads.—Adv.

(Board's Exhibit 37.)

"MY  
 TO THE



MADE Cold!

ry a Baby Buggy



Rec. 4.16

(Respondent's Exhibit 16.)

(THE *Morning* KANSAS CITY STAR)  
**The Kansas City Times.**

KANSAS CITY, MARCH 18, 1937—THURSDAY—20 PAGES:

**SOUTH PASEO FOR HOMES**

**BOARD VOTES UNANIMOUSLY AGAINST BUSINESS AT 75TH.**

**Park Commissioners Join Residents in Opposition to the Move by W. W. H. Findlay for Stores.**

The first application for business zoning on South Paseo, on which thousands of dollars in WPA and city funds have been expended in repaving and beautification, met an overwhelming defeat late yesterday.

The application was filed by W. W. Findlay for the rezoning of residence property at the northeast corner of Seventy-fifth street and the Paseo. Members of the park board joined home owners of the vicinity in opposition. The board of zoning adjourned after voting unanimously against the move.

G. Haake, a member of the ward and WPA administrator in this district, and other opponents expressed fear that the rezoning would be an opening for additional business zonings which would destroy the boulevard character pointed out that, in addition to the roadway already made for traffic between Sixty-third street and the city limits, WPA workers would start in the next ten days constructing a mirror pool and sunk-

**THE WEATHER—SOMEWHAT COLDER.**

**Kansas City and Vicinity:** Cloudy to partly cloudy today; somewhat colder.

The thermometer readings yesterday:  
1 p. m. 50 8 p. m. 48  
2 p. m. 52 9 p. m. 46  
3 p. m. 53 10 p. m. 43  
4 p. m. 54 11 p. m. 41  
5 p. m. 56 12 midnight 41  
6 p. m. 50 1 a. m. 40  
7 p. m. 48 2 a. m. 38

A year ago yesterday, high 63, low 29. Precipitation in 12 hours ending 7 p. m., none.

Highest wind velocity yesterday, 14 miles; southeast.

River stage 7 a. m. yesterday, 8.8 feet; rise of 3 feet.

6:30 a. m. Noon 6:30 p. m.  
Relative humidity, per cent 61 54 70

**THE ALMANAC**

Sun rises 6:24 a. m. Sun sets 6:28 p. m.  
Moon rises 10:20 p. m. Moon sets 12:35 a. m.

Moon Phase—First quarter March 19.  
Morning Stars—Jupiter, Mars, Mercury, Saturn.

Evening Stars—Neptune, Uranus, Venus.

[Detailed government observations, forecasts and weather map on page 8.]

**A RIOT IN CHICAGO LOOP**

**POLICE FIGHT 1,200 STRIKING CAB DRIVERS FOR AN HOUR.**

**Six Chauffeurs Are Made Unconscious, Passengers Are Threatened and Taxis Overturned and Burned.**

(By the Associated Press.)

**IN TWO HOSPITALS IN A DAY.**

**A Bicycle Accident Makes Boy a Patient Again.**

Riding his bicycle home from the University of Kansas hospital where he received treatment for an infected finger, Joseph Gomez, Jr., 19 years old, skidded into a truck at Thirty-first and Summit streets at 4:15 o'clock yesterday afternoon. He was sent to the General hospital. He suffered severe back, elbow and leg injuries.

The truck was driven by Delbert Akers, 33 years old, 533 Freeman avenue, Kansas City, Kansas. Gomez lives at 3614 Summit street.

**NOT QUITE SO MILD TODAY.**

**Partly Cloudy Weather Is Forecast by Mr. Hamrick.**

Cloudy or partly cloudy weather, with a slight drop in temperature, is Mr. Hamrick's forecast for today. The temperature will climb nearly to 50, as compared to a reading of 55 at 5 o'clock yesterday.

Rain fell north of Kansas City last night, but the forecaster expected it to move eastward rather than southward.

**NO SHAM IN HER SHAMROCK.**

**Each Year Mrs. T. J. Greene Gets Real One From Ireland.**

Mrs. T. J. Greene, Chicago, stepped up to the desk at the Hotel Muehle-

**VOTES BY 'GHOSTS'**

**Five Names From Two Addresses Were Fraudulent, the Residents Testify.**

**MARKS FOR G. O. P. ERASED**

**Republican Witnesses See Their Ballots With X's in the Democratic Column.**

**First Visible Evidence From the 26th Precinct of 12th Ward Goes to Jury.**

**U. S. CASE NEAR ITS END**

**Attorney Says the Government Probably Will Finish Its Trial Soon This Morning.**

With the conclusion of the case only the matter of a few more witnesses, the government case yesterday turned its atten-

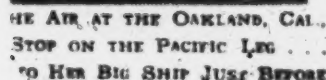
**Food Fair Attracts**

Crowds continue to flock to the Food Fair in the Munitorium. The show will urday night.

The free cooking conducted by Mrs. Beul will be concluded tomorrow. The household connection with the will close Saturday night.

Doors to the hall will be open at 6 o'clock each day. No fee is charged until 3 o'clock. Tickets are 25 cents for adults and 10 cents for children.

"Yes, sir; I certainly do. And you see an X mark in the Democratic column. Did



REAL ESTATE OFFICE THERE.

Kenneth I. Fligg, attorney for, the R. A. Long estate, which owns the northwest corner; Anthony Purnilia, owner of the southwest corner, and Charles Allen, owner of the southeast corner, favored the remoning. They said stores were needed in the neighborhood, pointing out the nearest stores were at Seventy-fifth street and Troost avenue. Eightieth street

(Continued on Second Page.)

## FIGHT FOR AN HOUR

KICKED UNTIL MOTIONLESS.

A riot call brought scores of patrolmen and firemen. Sirens whining, they sped to the focal battle points. The reinforcements protected the operating chauffeurs and righted the overturned cabs. Others scurried through the throngs on the sidewalks.

(Continued on Second Page.)

**CROWD AT ST. PATRICK. MO.**

(By the Associated Press.)

Late this afternoon a rural carrier made a special trip to the Canton, Mo., postoffice where final pieces of the record consignment of mail here were mailed.

### Missing German Nazi Leader Is Found in Zurich.

(By the Associated Press.)

Do you want to rent or sell your house? Now is the time to act. Use a want ad in The Star to reach prospects. Telephone HARRISON 1900.—Adv.

Mrs. Raines said she certainly did. "You see that it has been erased?"

Stucker, 2300 Poplar.

To support his testimony, Wilson called T. S. D. Berger, Negro mail carrier in that precinct. Berger had not delivered letters to any Sam or Joe Herring, he said, nor had he heard of any Fay Downs or Louise Downs. There might have been a Ray Hays, he said; but he couldn't remember delivering any letters to

(Continued on Second Page.)

NATIONAL LABOR RELATIONS BOARD  
 BOARD  
 WITH MR.  
 RESIDENCE  
 HARTFORD  
 CASE NO. C-1364  
 IN THE MATTER OF Daniel W. Ross  
 DATE 8-24-44 WITNESS Real  
Daniel W. Ross  
 BY D. C. C. C.  
 OFFICIAL REIN



# FISTS ARE USED IN A GARMENT WORKERS' STRIKE.



—Kansas City Star Photograph.

**FIGHTING WORKERS**—The tall, blond counterpuncher at the left is a member of the International Ladies' Garment Workers' Union. The brunette with flailing fists is a nonunion worker. The strikers last night remained in the building housing three garment shops, sleeping on cots.



**POLICE STEP IN**—The union member at the left drew blood from her adversary's nose before George R. McMeachin, police sergeant, swung her away from the fray. Two more policemen are holding her nonunion opponent, who swung a lightning-quick handbag. The battle was staged in front of 3817 Grand avenue yesterday, where the union attempted to close three garment companies in the building by a strike.



## LOYALTY TO NAZIS

REMARKS ABOUT  
GERMAN PROTEST.

It Issues Statement  
From Ambassador  
regarding Controversy  
Dropped.

WITHOUT HONOR" IS  
LA GUARDIA SAYS.

Associated Press.

March 17.—Mayor  
Hull, commenting to  
second apology made  
Hull to Germany  
for remarks about  
"the translation  
nan government of  
infaktionfähig is ab-  
ect."  
her, German ambas-  
sador protested earlier today  
ican government that  
in applying the Ger-  
man Hitler, had insulted  
the German state by  
to "a man without

or used the term in a  
an anti-Nazi rally in  
square Garden Monday

I am pleased that Hit-  
ler quick to recognize him-  
self as a coward, said La  
Guardia said tonight.

Birmingham; C. F. Hood, American  
Steel and Wire Company, Cleveland,  
and A. N. Diehl, San Francisco, Col-  
umbia Steel.

A sit-down strike closed the 6-  
story Frank & Seder department store  
in Detroit today as police guarded its  
doors and numerous detectives stood  
inside.

Several minutes of excitement and  
confusion ensued as store officials at-  
tempted to prevent the strike by ask-  
ing for a resumption of negotiations.  
Union leaders refused.

Lou Miller, one of the organizers  
for the Retail Clerks' Association, said  
the strike was called because the  
management refused to consider the  
union's demand for a "closed shop."

Striking and nonstriking employees  
disputed possession of one store to-  
day as a strike spread to two units of  
the F. W. Woolworth Company in  
New York.

Girl employees of a Brooklyn store  
of the chain obeyed shrill whistles  
signalling a strike of the department  
store workers' union, but in Manhat-  
tan one group of workers produced  
banners reading "We won't strike,"  
and refused to quit work.

The refusal to join the sit-down  
at the Manhattan store threw the  
place into confusion for a time, and  
police reserves were called out to pre-  
vent disorder.

Unable to determine immediately  
which group was in the majority, the  
management emptied the store of  
customers and locked the doors. A  
minutes later the store was re-  
opened, with the nonstrikers, assisted  
doorwalkers and executives, man-  
aging a part of the counters. Strikers  
lined in the store.

Committee for Industrial Or-  
ganization will open on Friday its  
drive for union supremacy in  
textile industry, thus  
launching a new offensive in its  
national struggle with the Amer-  
ican Federation of Labor.

## VOTES BY 'GHOSTS'

## Maine Still Is Fair Prey for Wisecracks

BY IRVIN S. COSS.

SANTA MONICA, CAL., March 17.—  
There is only one answer to the  
attitude assumed by both of  
Maine's senators, who show a pro-  
nounced inclination to balk at  
whatever the new deal calls for in  
congress and especially at the  
plan to mold the supreme court  
somewhat closer to the Boy Scout  
model.

If these here foreigners don't  
like this country; why don't they  
go back where they came from?

Copyright, 1937, by the North American  
Newspaper Alliance (The Kansas City  
Star and other newspapers).

## SOUTH PASEO FOR HOMES

(Continued from First Page.)

and the Paseo, and Seventy-fifth  
street and Prospect avenue.

BOUGHT PROTECTED HOMES.

Home owners who protested were  
led by A. W. Roth, 1832 East Seventy-  
fifth street; Fred I. Worth, 1821 East  
Seventy-fifth, and John Donnelly,  
1829 East Seventy-fifth.

"I bought my home about a year  
ago, because I believed the district  
would be protected by the zoning  
law," Mr. Roth said. "The rezoning  
of this property for business would  
damage not only my home but others  
in the district. It would damage the  
boulevard. There is no need for busi-  
ness in the district."

Mr. Worth, who would be across  
the street from the proposed building,  
has owned his home nine years.

"I paid \$9,000 for it," he continued.  
"We bought it because it was in a  
residence district. We wanted to get  
away from business. If this building  
is built, I'll have to give up my home."

OPENING WEDGE FOR BUSINESS.

Mr. Donnelly said the rezoning  
would be the opening wedge for busi-  
ness on the other three corners. He  
said to Mr. Mancuso:

"Would you like to live next to a  
store building?"

## SITTERS STAY IN ON COTS

SIEGE OF GARMENT SHOPS IS CON-  
TINUED AT NIGHT.

Fights Between Women Occur at  
Quitting Time. With Punching,  
Hair-Pulling and Hand-  
bag Swinging.

Fifty members of the International  
Ladies' Garment Workers' Union set-  
tled down last night on cots inside  
the entrance of the building at 2617  
Grand avenue, making a sit-down  
strike out of their attempts yesterday  
to close by strike three garment com-  
panies housed in the building.

Miss Wave Tobin, business agent for  
the union, said the union members  
had been warned by H. P. McElroy,  
city manager, that if they left the  
building they would not be allowed to  
return. All those who spent the night  
inside the doorway were employed in  
the building, she said.

FIGHTS AT CLOSING TIME.

Workers and strikers swung hand-  
bags and fists and pulled hair  
before policemen guided employees  
from plants at quitting time yester-  
day.

After a few skirmishes at the rear  
door of the building, the police moved  
in and the demonstration was over  
save for derisive shouting.

For half an hour after the plants  
closed at 4:30 o'clock fights occurred  
in an area of two blocks when union  
members and non-union workers met.

"The strike has just begun," said  
Miss Tobin.

The companies against which the  
union is seeking to force a strike are  
the Missouri Garment Company,  
occupying the second floor; the  
Gernes Garment Company, Inc., on  
the third floor, and the Gordon  
Brothers Manufacturing Company,  
fourth and fifth floors.

SAY MOST WOMEN WORK.

Company officials asserted a ma-  
jority of the 800 women who work  
in the building went to work yester-

day morning through a rear door two  
hours after union workers had  
blocked the main entrance by sitting  
down.

H. Gordon, president of the Gordon  
Brothers Manufacturing Company  
which employs 300 women, said only  
sixteen union workers and a few em-  
ployees who were ill did not work  
and that the plant was operating  
smoothly. He said that 95 per cent  
of the women signed petitions op-  
posed to their joining the union.

"There weren't more than fifty  
girls at work in the Gordon Brothers  
plant today," Miss Tobin said.

A majority of the women working  
for the other two plants entered the  
building through the rear door and  
spent the day inside, their lunches be-  
ing taken to them at noon.

NORMAN P. T. A. CARNIVAL.

The Parent-Teacher Association of  
the Norman school, 3514 Jefferson  
street, will sponsor a carnival at the  
school from 4 o'clock tomorrow after-  
noon until 10 o'clock.



Lovely to  
look at

New crystal  
stemware dec-  
orated with fine  
gold bands.

\$13.50

Com-  
bust-  
sticks  
many o  
pieces to  
at corres  
ingly low p.

**JACCARD'S**  
1017 Walnut St.—K.C., Mo.

NATIONAL LABOR RELATIONS BOARD  
CASE NO. 1364  
IN THE MATTER OF THE  
DATED - 4 - 4 - 1937  
BY DANIEL W. ROSS, OFFICIAL REPORTER

## VOTES BY 'GHOSTS'

(Continued from First Page.)

such a name at 4812 East Twenty-fourth street.

In Hospital, but Voted.

A woman confined in Research hospital was voted arbitrarily election day. Wilson called Miss Virginia Cook, record librarian of the hospital, to the stand. Miss Cook had the records on Mrs. Sally Darling, 2008 Poplar, who was a patient at the hospital from September 28 to December 24 with a fractured knee cap.

The records showed, Miss Cook said, that Mrs. Darling did not leave the hospital. Hourly reports, written in the book, showed the patient awakening, having breakfast, being bathed, writing letters, listening to the radio and following other routines at the hospital throughout the hours the polls were open. Mrs. Darling was not summoned yesterday.

The fingerprints of Frank Ditsch, Jr., the precinct leader for the Democratic rabbit faction and a defendant, were found on four ballots. L. J. Fallon, FBI fingerprint expert, said. Those ballots, and enlarged copies of the prints, were given to the jury for study.

Clerk Called Election Board.

Mrs. Marie Denger, Republican clerk of the precinct who pleaded *nolo contendere* (no defense) along with Mrs. Maudine Nelson, Republican judge, was recalled to the stand when the afternoon session began. What, Wilson asked, was the first thing she did when she returned home after the polls closed?

"I telephoned the board of election commissioners," Mrs. Denger said. "I told them who I was and that I was the clerk in the twenty-sixth precinct of the twelfth ward. I said I could not and did not give my count. The person at the board said, 'All right,' and hung up."

"Would you say positively the ballots were not counted?" Ludwick Graves, defense counsel, asked on cross-examination. (Mrs. Denger had testified George Nepper, precinct captain for the Pendergast forces and a defendant, announced the vote totals as 501 for the Democrats and thirty-one for Republicans as soon as the polls closed.)

Expected 141 G. O. P. Votes.

"If they had been," Mrs. Denger returned, "I would have had my 141 votes."

"How do you know the Republicans had 141 votes in your precinct?"

"Because I polled the precinct."

"You were the Republican precinct captain?"

"I was the acting Republican precinct captain."

"Are you still in that capacity?"

Mr. Mancuso did not answer. Later, however, he said many of the property owners had purchased their property knowing the real estate office was on the corner. He contended Mr. Findlay had a moral, if not a legal, right to erect a store building on the property.

Mrs. W. H. Saxton, 1836 East Seventy-fifth street terrace, said she and her husband had owned their home since 1912.

"This is strictly a residence district," she added. "There is no need for stores. We are close enough now to stores. To rezone this property would ruin the Paseo."

Mrs. A. M. Neuman, 1820 East Seventy-fifth street terrace; Mrs. George T. Vance, 1824 East Seventy-fifth street, and George G. Croner, another property owner, also spoke against the rezoning. W. H. Shackelford, who is building four houses in the district, favored it on the ground a shopping center was needed. Opponents contended his opinion was not to be considered, since his property was three blocks away.

The application was the first filed for business zoning on the Paseo, south of Fifty-fifth street, in eleven years.

MONTGALL CHANGE DENIED.

The board also disapproved an application for rezoning of 180 feet of ground on the west side of Montgall avenue in the 3900 block, because of protests from property owners. The rezoning was sought by Mrs. Elsie Conrad to permit use of the property as a parking station for the Oak Park theater. Proponents contended improvement of the ground for the parking station would be a benefit to property values. Opponents argued the parking station would result in additional traffic and that noise from cars would be disturbing at night.

DELAY ON GILLHAM PLAZA.

Action on the application of the Gregg Realty Company for the rezoning of 3316-18-20-22 Gillham plaza, upon which a hearing was held March 3, was continued by the board until its next hearing. Apartment owners in the vicinity protested.

FOR A TRAILER PLANT.

Other cases upon which the board acted:

Rezoning of old Priests of Pallas den at 2100 East Tenth to permit its use in manufacture of bodies for trucks and trailers and to permit use of 40-horsepower motors; approved. No one protested. The property is owned by Miss Ruth M. Mason.

Mrs. Gurtner R. Melster, to permit erection of 1-car garage in front yard at 3840 Olive; disapproved because of protests from property owners in the block.

John L. Woolfolk, to rezone north-west corner of 80-25th and Washington from residence to business use to permit operation of a parking

Entrance Thru  
Store



1108 Walnut

Wolferman's Tiffin Room

**Dine Downtown This Evening  
In Wolferman's Tiffin Room  
and Bring the Family, Too!**

Special dinners served from 5 to 8 p. m.  
eighty-five cents and one dollar

(Continuous Service From 11 A. M. to 8 P. M.)

Reservations If You Like... GRand 0635

**Homemade Bread—**

Made with milk from the Wolferman Dairy  
Farm; smooth texture... soft, crumbly, buttered  
crust—2 loaves... 25c  
(Smaller sized loaves... ten cents)

Loaf... 13c

**Fresh Butter—**

Wolferman's; churned from fresh, rich, sweet  
cream... you never tasted more delicious but-  
ter. Per lb... 43c

2 lbs... 85c

**SPRING LAMB PATTIES—**

Delicious individual meat  
servings. 4 for... 29c

**INDIVIDUAL T-BONE**

STEAKS—About half pound  
each. Each... 33c

**OLD-FASHIONED COUNTRY**

STYLE SMOKED SAU-  
SAGE—You will say it is  
the most delicious you ever  
tasted. Per lb... 43c

**CHOPPED BEEF —** So eco-

nomical; for tasty ham-  
burger steaks... or a de-  
licious beef loaf. 2 lbs...  
55c; lb... 28c

**CARROTS —** Small, tender

Lady Fingers. 2 lbs. bchs. 11c

**GRAPEFRUIT—** Texas Marsh

seedless; extra fine quality.  
6 for... 29c

**COFFEE FUDGE CUP CAKES**

—Quite unusual. 6 for... 25c

**OLD-FASHIONED CAKE**

DOUGHNUTS — Plump;  
golden brown ones  
cooked in pure leaf lard.  
6 for... 19c

**HOT CROSS BUNS—** Dainty

current buns. Dozen... 29c

**TOMATO CATSUP—** Wolfer-

man's; famous for its ap-  
petizing flavor. 3 bots... 50c

**GOLDEN BANTAM CORN ON**

THE COB—Four ears in a  
tin; as tender as freshly  
gathered corn. Large tins,  
2 tins... 49c

**ORANGE PEKOE TEA—** In

individual bags. Carton of  
15 bags, 21c. 3 cartons... 50c

**LEA AND PERRIN'S WOR-**

CESTERSHIRE OR BAND'S  
A-1 SAUCE. Med. bot... 33c

**RED KIDNEY BEANS—** No. 2

tins; Wolferman's; a tasty  
saled item. 2 tins... 25c

**IMPORTED SMOKED SAR-**

DINES—In pure Olive Oil;  
from Norway. Quarter tins,  
6 tins, 85c. 2 tins... 29c

**CHICKEN A LA KING—** Hor-

ma's. 2 tins, 85c. Tin... 33c

**WELSH RAREBIT—** Colago

1 tin. 2 tins, 85c. Tin... 33c

**OLD-FASHIONED OVEN**

BAKED BEANS—B & M  
brand. 28-oz. tins, 2 tins 35c

## A RIOT IN CHICAGO LOOP

(Continued from First Page.)

and bollared as many combatants as they could find.

Several persons were bowled by charging mounted policemen, who rode into the ranks of demonstrators. Foot patrolmen plied their night sticks.

Among the injured was Dr. W. K. Fisher, a dentist, who was struck on the head by a flying missile as he walked along a street.

BLACK EYE FOR KANSAN.

A. A. Rose of Pittsburg, Kas., suffered a black eye when a cab in which he was a passenger was stoned. An unidentified woman was knocked to the pavement by a passing car.

Twenty-seven men seized in the affair were taken to a police station.

The outbreak, one of the most severe in Chicago labor history, capped a series of violent episodes attending the dispute between drivers and the fellow and Checker Cab companies.

Shortly after the rioting, the Yellow Cab Company gave its answer by ending a line of cabs, each provided with two guards, through the Loop

to the city.



Yellow and Checker Cab companies. Shortly after the rioting, the Yellow Cab Company gave its answer by ending a line of cabs, each provided with two guards, through the Loop to the Sherman hotel and to the railroad stations.

Company officials said as a precautionary measure all cabs would be withdrawn from the streets at midnight and would not reappear until 7 o'clock tomorrow morning.

John Prendergast, police commissioner, announced all days off andocations for policemen had been cancelled until further notice so a complete force would be on duty at 11 hours.

## U. S. STEEL UNITS SIGN.

Contracts With C. I. O. Are Made by Five Subsidiaries.

(By the Associated Press.)

PITTSBURGH, March 17.—Five of the largest producing units of the 2-billion-dollar United States Steel Corporation signed contracts tonight with union followers of John L. Lewis, setting up machinery designed to insure industrial peace among their 180,000 workers for at least a year.

The contracts supplemented the one March 2 in which the Carnegie-Illinois Steel Corporation recognized the right of the steel workers organizing committee, an affiliate of the committee for Industrial Organization, to deal with the company for members.

The contracts provided that differences arising between now and next March 1, date of the expiration, could be taken up without cessation of work, with the final decision, if agreement was not reached, to be made with an impartial umpire named by the company and union.

The companies agreed to recognize minority rights in all cases of promotion or increase, or decrease of wages with brief reservations; granted a week's vacation with pay for all employees with five years or more of service and promised to restate any union member with full pay where it has been decided an injustice was done the worker.

Benjamin F. Fairless, president of Carnegie-Illinois, which employs 1,000, signed first. Others signing were B. F. Harris, National Tube, Eastburgh; J. L. Perry, Tennessee Coal, Iron and Railroad Company,

because a police officer arrested him. "You were the Republican precinct captain?"

"I was the acting Republican precinct captain."

"Are you still in that capacity?"

"I don't know," Mrs. Denger said, "whether I am or not. If I am, I'll resign. I want nothing to do with any more elections."

"Did two deputy election commissioners come out?"

"Yes, about 10:30 o'clock in the morning."

"Did you complain to them of any irregularities?"

"No."

She Made No Agreement.

"Did you make any agreement not to count the votes or to miscount them?"

"I did not."

"That's all," Graves said.

"Did you," Wilson resumed, "see a single judge in your poll count a single ballot?"

"I did not."

The trial will resume at 9:30 o'clock this morning. Wilson said C. A. Appel, jr., handwriting expert for the FBI, would be his chief witness, and he would rest after Appel had concluded his testimony.

Beside Neeser, Ditch and Mrs. Kelley, other defendants in the case are Mrs. Cecilia Ditch, Democratic judge and wife of Ditch; Beulah Walton, Republican judge, and Olga Kegin, Democratic clerk.

## A SWEEP FOR COURT PLAN.

Georgia County Votes 1,092 to 174 in Favor.

(By the Associated Press.)

OUTHER, Ga., March 17.—Randolph County today voted 1,092 to 174 in favor of President Roosevelt's judiciary reorganization plan.

In Outhbert, the county seat, the vote was 600 for to 89 against. The rural precincts also rolled up overwhelming majorities for the plan.

J. S. Sharley, justice of the peace, said he had telephoned Warm Springs to inform the President.

## ALLAN HOOVER IS WED.

LOS ANGELES, March 17.—(A. P.)—Allan Henry Hoover, son of ex-President Hoover and Mrs. Hoover, and Miss Margaret Cokerly, attractive Los Angeles social figure, were married today at the home of the bride's parents, Mr. and Mrs. William Bayley Cokerly.

erection of 1-car garage in front yard at 3840 Olive; disapproved because of protests from property owners in the block.

John L. Woolfolk, to rezone northwest corner of Seventy-sixth and Washington from residence to business use to permit operation of a parking station; approved. The property has a 400-foot frontage on the west side of Washington and a depth of eighty feet. No one protested.

E. E. Harper, to permit use of 15 instead of 5-horsepower motors in operation of a proposed machine shop on north side of Seventy-fourth street 182 feet west of Wyandotte; approved. Property owners protested, but the board took the position the use of the larger motors would not damage property values. The property is zoned for light industry.

O. S. Birling, to permit conversion of single family dwelling at 4832 Harrison into a 2-family dwelling; approved. No one protested.

## CHANGE FELONY MURDER LAW.

Death Penalty No Longer Mandatory in New York.

(By the Associated Press.)

ALBANY, N. Y., March 17.—New York juries will be permitted to recommend life imprisonment instead of death in felony murder cases under a law enacted tonight with a stroke of Governor Lehman's pen. It becomes effective immediately.

Existing state law provides that conviction for felony murder automatically carries a death sentence for all persons involved.

## A "FIGHT CANCER" WEEK.

JEFFERSON CITY, March 17.—(A. P.)—Governor Lloyd C. Stark today proclaimed the week of March 21-27 as "Fight Cancer Week" and urged Missourians to co-operate with the women's field army in "its admirable and humanitarian purpose." The chief executive's proclamation was issued while a bill is pending in the state senate for the creation of a state cancer hospital at Columbia for indigent patients.

## NOTICE.

PUBLISHER'S NOTICE

March 18, 1937. Vol. 100. No. 66.

The Kansas City Times the morning Kansas City Star. The Kansas City Star every morning morning and Sunday thirteen cents a week. Subscription rates 15 cents a week delivered by carrier in Kansas City; by mail, postage prepaid, in Missouri and Kansas, 15 cents a week; elsewhere in the United States and island possessions, 20 cents a week; in foreign countries 45 cents a week. Entered as second class matter at the postoffice at Kansas City, Mo., under the act of March 3, 1879. Publication office, High Street and Grand Avenue.

## OLD-FASHIONED CAKE DOUGHNUTS — Plump;

golden brown ones . . . cooked in pure leaf lard. 6 for . . . 19c

HOT CROSS BUNS—Dainty currant buns. Dozen . . . 29c

CHOCOLATE CHIP ICE CREAM—Really a treat by Wolferman's. Quart . . . 48c

WILD CHERRY DROPS—Dainty pure cane sugar candies, by Wolferman's. Lb. 29c

WELSH RAREBIT—Collage Inn. 2 tins, 65c. Tin . . . 33c

OLD-FASHIONED OVEN BAKED BEANS—B & M brand. 28-oz. tins, 2 tins 33c

OLIVE BUTTER—Grandee brand; for delicious sandwiches. 9-oz. jar, 33c. 2 jars . . . 66c

SALTED SPANISH PEANUTS Freshly roasted. 2 lbs. . . 29c

MOCHA AND JAVA COFFEE—An old-time favorite. . . fine quality Arabian Mocha and Sumatra Java coffees . . . expertly blended . . . Par lb. . . 45c  
HOMEMADE MAYONNAISE OR THOUSAND ISLAND DRESSING—Wolferman's. 13-oz. jars, 2 jars, 65c. Jar . . . 33c  
BAKED BEANS—Plain or with Tomato Sauce. 1-lb. carton . . . 15c  
BOSTON BROWN BREAD—Wolferman's. . . Small loaf . . . 10c  
BAKED OR BOILED HAM—By Wolferman's; prepared by experts—center slice, 1/4-lb. 48c. . . End of 1/4-lb. 38c  
BARBECUE BRISKET OF BEEF—One of the most delicious products prepared in our kitchens . . . lean . . . fine flavor . . . Half lb. . . 38c  
BOCKWURST—A tasty Veal and Pork Sausage . . . Per lb. . . 38c  
IMPORTED SWISS CHEESE—Firm; large eyed. Half lb. . . 35c  
AMERICAN SWISS CHEESE—Finest quality. . . Half lb. . . 21c

Established 1898

*Wolferman's*  
*Good Things to Eat*

Four Storms

FEATURING FINE FOODS.

## For ALL Spring Cleaning—GARMENTS and House Furnishings

Ladies', Men's and Children's Outer Garments of All Kinds

Rugs, Drapes, Lace Curtains, Tapestries, Blankets

RUGS Large and Small DYED

**MONKEY**

CLEANERS & DYERS

X Printed at X P1

Res. 17-a

It is understood this is a true minimum for  
all employees including  
less experienced & underaverage piece work  
operators, bundle boys, messengers & other  
unskilled workers.

7022a

NATIONAL LABOR RELATIONS BOARD	
CASE NO. <u>C-122</u>	EXHIBIT NO. <u>7A</u>
BY THE MATTER OF <u>United Fruit</u>	
IN RE <u>8-5-12</u> WITHIN <u>Real</u>	
JULY 11, 1955. OFFICIAL REPORT.	

(Respondent's Exhibits 17A to 17J.)

Res. 17-a

X Insert at X P1

It is understood this is a true minimum for  
all employees including  
less experienced & underaverage piece work  
operators, bundle boys, messengers & other  
unskilled workers

7022a

NATIONAL LABOR RELATIONS BOARD	
CASE NO. C-132	EXHIBIT NO. 17A
THE MATTER OF <i>United Fruit</i>	
IN RE <i>8-5-52</i> WITNESS <i>Real</i>	
JUL 11 1955 OFFICIAL REPORT	
<i>E. C. C.</i>	

(Respondent's Exhibits 17A to 17J.) 4105



(Respondent's Exhibits 17A. to 17J.)

4107

17-B

14a

~~It is agreed that~~ Nothing in this contract shall prohibit ~~the~~ Donnelly Gar. Co. or the Donnelly Garment Sales Co. from making money allowances, bonuses or extra facili<sup>ties</sup> to any employee, the same as heretofore.

NATIONAL LABOR RELATIONS BOARD	
TEAC-1121	EXHIBIT NO. 17B
THE MATTER OF <i>Donnelly Garment Sales Co.</i>	
WITNESS <i>Ref.</i>	
DANIEL W. ROSS, OFFICIAL REPORTER	
BY <i>J. C. Ross</i>	

Part 1

This agreement shall apply to each corporate employer and its employees, it being recognized that the business of said companies and the relation of the employees of the said companies are, in certain respects, dependent upon each other, and that it is desirable to have the same general conditions of employment in each of said companies. ~~It~~ <sup>Members</sup> is recognized and agreed that the employees of each corporation shall be <sup>Members</sup> of this union.

The word "employees" as used herein shall apply to the employees <sup>except Salesmen and executives or any person in position</sup> of both companies and the word "employers" as used herein shall refer to both corporate employers.

(Respondent's Exhibits 17A to 17J.)

NATIONAL LABOR RELATIONS BOARD  
CASE NO. C-13824 <sup>BOARD</sup> <sup>PEITZ, NER</sup> <sup>RESPONDENT</sup> <sup>INTERVIEW</sup> EXHIBIT NO. 17C  
IN THE MATTER OF Connelly Garment Co. et al.  
DATE 8-5-42 WITNESS Reed  
DANIEL W. ROSS, OFFICIAL READER  
BY E. Reed

17-D

NATIONAL LABOR RELATIONS BOARD

CASE NO. C-1382

BOARD  
PETITIONER  
RESPONDENT  
INTERVIEW

EXHIBIT 17-D

IN THE MATTER OF

Connelly Garment Co.  
et al.

ARTICLES OF AGREEMENT, DATE 8-5-42 WITNESS

DANIEL W. ROSS, OFFICIAL

BY E. Creel

THIS AGREEMENT is made and entered into between the

Connelly Garment Workers' Union, a plant labor union made up

of \_\_\_\_\_ out of a total of \_\_\_\_\_ employees of the employ-

er below mentioned, party of the first part, and the \_\_\_\_\_

\_\_\_\_\_, a Missouri corporation being engaged

in manufacturing, and the \_\_\_\_\_

a Missouri corporation being engaged in selling, each of said

corporations having its <sup>home</sup> office and principal place of operation

at 1828 Walnut Street, Kansas City, Missouri, parties of the

second part. Party of the first part and parties of the

second part hereby contract and agree as follows:

(1) This agreement shall apply to each corporate

employer and its employees, it being recognized that employees of

each corporation are members of the <sup>same</sup> plant union, party of the

first part, ~~working largely under the same roof~~ and <sup>that they are</sup> being de-

sirous of the same general conditions of employment. The word,

"employees" as used herein shall apply to the employees of both

companies and the word, "employers" as used herein shall refer

to both corporate employers.

(Respond

✓ (2) Rates of pay: The rates of pay of employees under this contract shall be such as are agreed upon by the parties hereto. However, such rates shall have a minimum of Fifteen Dollars (\$15.00) per week, *as hereafter stated X (in sep)* ~~while operations are on dress-  
es retailing at \$2.25 or less and a minimum of Eighteen Dollars (\$18.00) per week while operations are on dresses retailing at over \$2.25 each.~~

(3) Hours: The working hours of the employees shall be eight (8) hours per day exclusive of meal period and Five (5) days per week. Any time in excess thereof shall be deemed as overtime.

(4) The employer recognizes the election of a com-



NATIONAL LABOR RELATIONS BOARD

CASE NO. C-1387

BOARD  
PETITIONER  
RESPONDENT  
INTERVIEWER

EXHIBIT NO. 17-E

17-E

IN THE MATTER OF

*Connelly Garment Co. et al.*

DATE 8-5-42

WITNESS

*Deed*

DANIEL W. ROSS

OFFICIAL REPORTER

BY *E. C. Cress*

*to represent it*

Committee to represent the union by that union and agrees to negotiate and deal with such committee in regard to <sup>working</sup> conditions of wages + hours of labor <sup>other</sup> of employees, and all matters properly within the jurisdiction of such committee.

(5) Promotions and Seniority rights: Instructors and floor girls in addition to those employed at the date of this contract, or substituted for any of those now employed, shall be chosen by the employer from the rank of operators or other employees of the company except in cases of emergency or where definitely exceptional circumstances exist.

(6) The employer recognizes the union as the sole bargaining agency on behalf of the employees.

(7) Complaints and grievances: Any employee considering himself or herself unjustly disciplined or unjustly treated shall have the right to present such matter to the <sup>union</sup> committee <sup>authorized committee</sup> elected to handle the affairs of this union, and such committee by a majority vote may elect to take the matter in question up



by a majority vote may elect to take the matter in question up with the employer for the purpose of securing redress for any proper grievance or injustice which the committee may believe to exist. Nothing in this agreement, however, shall prevent any employe from taking up any matter of dissatisfaction directly with his or her immediate superior, *or the managing officers of the company* in substitution for or in addition to, presenting such complaint to the committee representing the union.

(8) Meal period: The meal period for employes shall not be less than thirty (30) minutes per day nor more than one (1) hour per day, but within such limits may be fixed by the employe.

(9) ~~Closed shop:~~ The employer agrees that on and after June 15 1937 no one shall be employed in the business or plant in Kansas City, Missouri, or the business or plant in St. Joseph, Missouri, who is not a member of this union or who shall not become a member of this union within one week af-

NO. C-1382

BOARD  
PETITIONER  
RESPONDENT  
INTERVIEWER

EXHIBIT NO. 17-7

THE MATTER OF

WITNESS

DANIEL W. ROSS, OFFICIAL REPRESENTATIVE

BY

ter being employed, nor shall anyone be continued as an employee in the plant at Kansas City, Missouri or at St. Joseph, Missouri, after said person shall have resigned from or ceased to belong to such union or shall have been expelled from such union in accordance with its rules or by-laws governing such expulsion, and up until such date <sup>May 13, 1937</sup> no different or preferential treatment shall be given by any employer to any employee on the ground of his or her membership or non-membership in this union.

(10) Lay-offs: It is recognized by the parties hereto that it is desirable that employment should be as regular and continuous as is consistent with proper merchandising and working conditions. ~~Therefore~~, If the employer shall believe that a shorter day for employees will avoid a lay-off of any substantial number of employees, such shorter day with proportionate rates of pay for employees on hourly or weekly basis may be established.

(11) The employer agrees that <sup>the</sup> ~~such~~ individual who may be chosen as general chairman of the union shall be entitled to spend <sup>the necessary</sup> ~~half of his or her~~ time in the affairs of the union (~~and while on her employment with the company~~) <sup>not over</sup> at the proportionate rate of pay hitherto received from the company for the time thereafter given to the company.

(12) ~~Strikes:~~ The union agrees that it will not call or instigate or support any strike during the period of any wage scale adopted in conformity with and furtherance of this contract, <sup>or any modification thereof</sup> ~~which may be agreed upon between the employer and employee,~~ and the employer agrees that no lock-out during such time, being effective time of any wage agreement entered into herein, shall be put into operation. The actual operation of the plant must necessarily depend upon business and trade conditions, but each party declares it to be its purpose to continue operations with as little and if possible no inter-

NATIONAL LABOR RELATIONS

CASE NO. C-1324

BOARD  
PETITIONER  
RESPONDENT  
INTERVENOR

EXHIBIT NO. 17-G

IN THE MATTER OF

DATE 8-5-12

WITNESS

*Donnelly Lumber Co. et al.*

DANIEL W. BOSS, OFFICIAL REPORTER

BY

*Creel*  
*Lock out + Unhanded*

12. STRIKES The Union agrees that it will not call or

instigate or support any strike during the period of any wage

scale adopted in conformity with or in furtherance of this con-

tract, and the employer agrees that so long as the union faithfully

keeps its part of this contract there will be no lockout of the

employees by the Company.

It is further agreed that in the event the Union and the

Employer are unable to agree with reference to any matter of dis-

pute that the question in dispute shall be submitted to a board of

arbitration, one to be chosen by the Union, one by the Employer,

arbitration, one to be chosen by the union, one by the employer,  
and the third by the two ~~names~~ above referred to, and if the two  
can not agree as to the third arbitrator then such third member  
shall be chosen by a Judge of the United States District Court for  
this District. And it is further agreed between the parties that  
during the time of such negotiations or such arbitration there  
shall be neither a strike nor a lockout, and the parties hereto  
agree to accept and abide by any decision made by a majority of  
said board of arbitrators.

NATIONAL LABOR RELATIONS BOARD

CASE NO. \_\_\_\_\_

BOYD  
PETITIONER  
RESPONDENT  
INTERVIEWER

EXHIBIT NO. \_\_\_\_\_

IN THE MATTER OF \_\_\_\_\_

DATE \_\_\_\_\_

WITNESS \_\_\_\_\_

DANIEL W. ROSS, OFFICIAL REPORTER

(Respondent's Exhibits 17A to 17J.)



17-H

13 It is understood that the employer shall have the right to reduce the number of employees in accordance with its judgment as to business requirements, and to discharge any employee whose services are unsatisfactory to the company for any reason which, to the employer, shall seem sufficient, but such discharge shall not be because of the affiliation of said employee with this union or his or her activities therein.

NATIONAL LABOR RELATIONS BOARD  
CASE NO. C-1382 BOARD PETITIONER  
RESPONDENT  
INTERVENOR  
IN THE MATTER OF Connelly Lumber Co. et al  
DATE 8-5-42 WITNESSES  
DANIEL W. ROSS, OFFICIAL  
BY Cress

(Respondent's Exhibits 17A to 17J.)

~~17~~ 17  
Vacations

A. An employee after six months consecutive employment and with regular attendance record shall be entitled to one week paid vacation <sup>each year</sup> and

B. An employee <sup>of same employer</sup> after 2 years shall have 2 weeks <sup>vacation</sup> with pay each year.

7028a

NATIONAL LABOR RELATIONS BOARD	
CASE NO. C-112	EXHIBIT NO. 179
IN THE MATTER OF <i>Donnelly</i>	
DATES 5-5-42	WITNESS <i>Reid</i>
DANIEL W. ROSS, OFFICIAL REPORTER	
BY <i>Reid</i>	

(Respondent's Exhibits 17A to 17J.)

4121

17-8  
ruption in accordance with the terms of this contract regarding the eight hour day and the five day week as normal employment.

(13) Vacations: Each employe of this plant who shall have been employed for a period of not less than \_\_\_\_\_ months consecutively shall be entitled to one week per year vacation with pay, and will be allowed a second week's vacation without pay if satisfactory arrangements as to time can be arranged.

(14) Duration of contract: This contract shall continue in full force and effect for the period of 24 months from the date hereof.

IN WITNESS WHERE OF we have hereunto affixed our hands this \_\_\_\_\_ day of \_\_\_\_\_, 1937.

NATIONAL LABOR RELATIONS BOARD

CASE NO. C-132

EXHIBIT NO. 17-8

IN THE MATTER OF

DATE 8-5-42

DANIEL W. WOODS, OFFICIAL REPORTER

BY Reel

DONNELLY GARMENT WORKERS' UNION

By \_\_\_\_\_

General Chairman

(Respondent's Exhibits

Party of First Part.

7A to 17J.)

4123

70.29

ATTEST:

\_\_\_\_\_  
Secretary

By \_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary.

By \_\_\_\_\_  
\_\_\_\_\_



# GARMENT UNION CREWS SIT IN LOBBY

Work Goes On in Three  
Plants Here Despite  
Strike.

Members of the Interna-  
tional Ladies Garment Work-  
ers' union went on strike  
Wednesday morning and de-  
layed the opening of three  
garment factories at 2617  
Madison avenue.

The companies affected  
were the Gordon Brothers  
Manufacturing company, the  
Gernes Garment company  
and the Gernes Garment com-  
pany, employing between 500  
and 700 women workers.

Wednesday afternoon union work-  
ers who sat down in the lobby of  
the building early in the day in an  
attempt to prevent workers from  
entering the plant, still were on a  
picket line in the lobby and pickets  
were on duty at all entrances.

## Work Under Way.

Work was in progress in the three  
plants. The managers of the Gordon  
and the Missouri companies said  
that 50 per cent of their employees  
were on duty. They said that the  
picket line included only a few  
who were organized.

At the Gernes plant it was said  
that personnel was intact.  
Officials of the garment workers'  
union, however, said there were

HINDSBOROUGH BRIDGE

U  
gri  
fro  
sid  
est  
out  
spe  
ket

R  
F

G

S  
feel  
We  
bre

T  
ing  
gre  
Chi

She  
Tim

sha

P  
nev  
sidi  
dian

reci

And

and

and

and

and

K C Journal - Post - March 17, 1937

EXHIBIT 18  
Dennelly  
Read  
8-5-42  
B Warren

# O. P. WOMAN ARES THREAT D SQUEALERS'

Secret Hinted at State  
Execution, Mrs. Nelson  
Tells U. S. Jury.

producing the usual testi-  
concerning ballot manipula-  
the fourth vote fraud con-  
trial developed a sensation  
own Wednesday when a gov-  
t witness testified she had  
threatened by a Democratic  
captain with state prose-  
if she "squealed on the or-  
don."

witness was Mrs. Maurine  
3728 East Twenty-eighth  
Republican judge in the  
sixth precinct of the Twelfth  
Mrs. Nelson has entered a  
sense plea to the fraud indict-  
She directed the threat ac-  
on against George Neeper,  
ratic captain in the precinct  
defendant in the trial.

Called at Her Home.  
Nelson said Neeper called at  
the after the indictment was  
ed and said:  
one who talks will be taken  
by the state. We were all  
or less guilty. It would be  
had to go to the penitentiary  
feeling on the organization."  
highlights of government

was complained to the nei-  
ghborhood in the  
the Republicans had  
d their ballots as heavily  
uld hardly rub out their  
ots in the precinct were  
counted

# LATE

## TROPICAL P.

FIRST RACE—Miss  
Bida Stepper (Wright)  
Urbid O. (LeBlanc)  
Last Harvest (Archer)  
Time 1:40 3-5. Also  
last, almost none  
Unknown Worlds, Black  
Speed Tobacco Burr.  
aFrame entry  
SECOND RACE—  
Maroon (Bierman)  
B. Lightly (Barbo)  
Velvet Lady (LeBlanc)  
Time 1:11. Also  
Clementine, Shining K  
Color sketch

THIRD RACE—  
Blue Grotto (Westrop)  
Rich Cream (Wall)  
Spanish Fly (Cooper)  
Time 1:25-4. Also  
Lightly, Broad Vision  
als, Miss Dolly Kay, I

FOURTH RACE—  
Genevra M. (Solash)  
Burg Low (Wright)  
Miss Apprehend (West)  
Time 1:1-3. Al  
Jacqueline M. Croix I  
Singing Slave.

## HOUSTON-

FIRST RACE—  
Spider Maid (Pierach)  
Flurred (Hauer)  
Shanked Bud (Roberts)  
Time 1:18. Also ran  
Peep, Juro, Ben's Won  
bar, Banful Lover, B  
Out.

SECOND RACE—  
Bride's Delight (Roberts)  
Agonistic (Vodder)  
Lemon Lollipop (Corney)  
Time 1:00. Also ran  
My Rev. Spouting On  
ing Miss American Red  
Porte.  
aField.

## HOT SPRING

FIRST RACE—  
Goddess (Dexter)  
Frank C. (Johnson)  
Goddess (Dexter)  
Time 1:00 4-5. Also  
Goddess, Miss Sophie C  
O'Brien.

SECOND RACE—  
Barnstormer (Macpherson)  
Golden Star (R. G. O)  
Power Power (Macpherson)  
Time 1:10. Also  
Macpherson, Macpherson

## FRENCH CON

(Respondent's



him, however, said there were more employees out than the manager conceded.

#### Picket Building Here.

Striking employees, headed by the Wave Tobin, business manager of the union, assembled at the front and rear entrances of the building at 8:30 a. m., preventing workers from entering the building. By 9 a. m. more than 100 persons were assembled about the entrances.

Police had some difficulty in keeping order, a few hair pulling contests between members of warring factions keeping them on their feet at the Grand avenue entrance.

About a score of strikers followed a sit-down technique, sitting on the floor of the lobby and blocking passage within.

A. B. Gernes, president of the

Turn to Page 2, Column 1.

AMERICA TIMES DE AMT

G. 1

## TAKE \$18,000 IN FURS

### Thieves Lost Truck Near Armour and Troost.

Fur coats valued at \$18,000 were stolen early Wednesday morning from an inclosed truck. The truck had been parked just south of Armour boulevard on Troost avenue by John H. Hagarty, a sales promotion employee of the Montreal Fur Trading company, New York City.

Hagarty told police there were between 10 and 15 fur coats in his truck, ranging in value from \$100 to \$200 each. The coats were insured, he said.

Hagarty and his wife, who are stopping at the Robert E. Lee hotel, had returned from Independence with R. A. Fink, an Independence fur dealer, who lives at the Valentine-on-Broadway hotel, 3724 Broad-

counted and the vote was fairly decided upon as 501 for Democrats and 31 for the Republicans.

#### Says Box Was Removed.

The ballot box was taken by Nepper and Frank Dilsch, Jr., Shanmer captain, to the basement of the polling place and kept there 10 or 15 minutes.

Nepper threatened to eject Mrs. Marie Denger, Republican clerk, if she refused to sign a poll book on which fraudulent entries had been made.

Mrs. Nelson was examined by Randall Wilson, assistant district attorney.

Q—Did you count any of the large ballots? A—No.

Q—Was Mrs. Walton (Mrs. Beulah Walton, Republican judge) a regular commissioned officer in the precinct? A—No.

Q—Who was? A—Mrs. Doughtie Ashby.

Q—Did Nepper offer an explanation about the change? A—He told

## Woman Wounded Envoy to

PARIS, March 1.—Charles de Chambrun grandson of Lafayette French envoy was shot by a woman at railway station last night.

Council de Chambrun scended from Lafayette Revolutionary war Virginie, Marquise.

Because of the ancestor in the revolution American citizen right, granted by the

The woman who is dame de Fontanges, list.

The bullet from him in the abdomen to La Riboliere he there said his woundous and that he w to a private clinic at

He is a son of Co Chambrun, who at

Exhibit 18.)

4125

id Mrs. Nelson n. Mrs. gasped husband y. Mrs. onishing defense

book and tally sheet? A—I signed them because I thought it was my duty as a clerk to do so, and because I was afraid not to. Mr. Nepper said that if I did not sign my name to the poll books he would put me out.

The government's opening statement, which was made by Wilson, contained charges of ballot box stuffing, fake names in poll books, erasures of voters' cross marks from Republican columns and the making of substitute "Xs" over the Democratic columns on ballots. Wilson said the government would undertake to prove that some names, allegedly written into poll books to facilitate stuffing the box, apparently were fictitious and addresses were nonexistent.

Wilson said the government would undertake to show that one of the defendants as early as 9 a. m. on election day induced other defendant to begin names of persons who had not into the poll books. In the noon, he said, two of the defendants removed the ballot box to a ment.

One of the defendants ran away from the poll 15 to 20 m and the other for one and a to two hours, Wilson charged.

He indicated the government would undertake to show erasures were made and sut crosses marked at the head Democratic column while the were in the custody of it fendant.

**Ballots Held Intact**  
The trial, as in the three pri it, opened with testimony d to show that the ballots ha held intact since they were by the government, imme after the federal grand ju convened December 14.

Members of the election and deputy marshals testified the custody of the ballots an tion records at the county house, in transit to the federa ing, and at the federal b where they are locked in vat

Judge Reeves announced he hold no more election trials sitting, although four were docketed. The current trial, second on his docket.

The next will begin, if not tervence, April 8 before Jud rill E. Otis.

Legal struggle would continue.

Lawyers said Judge Campbell would have to be informed officially that the sit-down strikers still held the plants, and that Chrysler attorneys probably would be the persons to do it. That strategy would call for the Chrysler counsel to appear before Judge Campbell, establish the fact the strikers still were in the factories and ask that they be cited for contempt of court. Should the strikers be cited, the sheriff then probably would proceed to evict them. Chrysler corporation had no statement immediately on what its lawyers were planning to do. It was believed the legal maneuvering might consume a week.

Detroit still was a strike-plagued city as Murphy prepared to convene his "committee of 20," which was supposed to include representatives of capital, labor, civic organ

provide for themselves.

The compromise was reached in a 5-hour conference Tuesday night of Mayor Frank Couzens and representatives of the Hotel association and the Waiters and Waitresses association.

Service at the hotels was restored immediately.

The agreement set up a 3-man arbitration board, to begin deliberation not later than Thursday night, with full power of final judgment.

## STRIKE CALLED BY GARMENT UNION WORKERS IN K. C.

Continued from Page 1.

Gernes company, denied that any of his employees were on strike.

"We have about 200 girls who are being paid good wages and are satisfied," Gernes said. "We have no trouble with the union or anyone. We have not even been approached by the union."

**Opens Way for Employees.**

About 8:15 a. m. Gernes managed to open the way for his employees to enter the building through the rear entrance. He said virtually all had entered by 8:30 a. m.

Hyman Gordon, president of the Gordon company, denied allegations of the strikers that he was paying "starvation wages."

"The girls are making good money, and I can prove it by our checks," he said. "There are only about 16 of my girls that are responsible for this trouble."

Miss Tobin said, "We are fighting to stop some of these \$6 a week checks. The fight is for a 40-hour week and \$13 a week minimum."

Meyer Perlstein, regional director of the union, at union headquarters, 1022 Baltimore avenue, said the union was demanding restoration of the NRA hours and wages.

**Want NRA Conditions.**

"After the NRA code was thrown out," he said, "the three companies lengthened hours and reduced wages. We want contracts with the three companies providing for NRA conditions."

Perlstein said the strike was voted Tuesday afternoon at a meet-

(Sandy) Sinclair and other Maloney. Accompaniment will be furnished by Miss Katherine Farley, Mrs. John McQueeney, Harry Kelly, Miss Marie Murphy and other members of the order.

Dancing, including jigs, reels and other forms of the terpsichorean art, will be presented by Miss Margaret Haffey, John H. Cassidy, Miss Cheri Worth and pupils of the Rhea Dale dance school.

The Steuben club, Armour boulevard and Forest street, will be the scene of the entertainment. After the program there is to be dancing. All Hibernians are invited.

## 30-DAY JAIL TERM FOR PETTY LARCENY

**EXCELSIOR SPRINGS, Mo.**  
March 17.—(UP)—Lee Beard, 23 years old, of Joplin, Wednesday faced a 30-day sentence in the Clay county jail for petty larceny. He also was fined \$22.15 on his plea of guilty.

Two of Beard's companions, Melvyn Lantz, 22, Joplin, and Raymond Dawson, 24, Commerce, Ok., will be given a hearing Saturday on charges of operating a "motor vehicle with improper license plates."

The three said they bought the automobile at a St. Joseph junk yard, but it bore Kansas license plates.

**'BANZAI' HOLE IN ONE.**  
**SALINAS, CAL.**—(UP)—The Japanese language has provided just the right word to express the proper feeling when a golfer makes a hole in one. John Urabe, star Japanese golfer, tried it out when he holed a 225-yard drive here and it was all that was necessary. It is simply "Banzai."

## NEGRO UNION TO MEET.

The regular meeting of the Negro Democratic union of Kansas City, Kas., will be Wednesday night at the Third Christian church, Fifth street and Cleveland avenue.

K. C. Journal-Post - 11

8-5-42 WINNERS  
R. W. Wanner

Chic

(Respon

Nepper's  
on, hus-  
age.  
version  
polling  
said he  
lose Re-  
ballets  
ab them

counsel  
ation of  
hat the  
officials  
tutional  
seeing  
1 ballot

rk taken  
the saw  
one you  
L. Kelley

ve that  
a saw it  
itive.  
ilnot from  
rea.  
see to 16  
es.

? A-1  
in? A-

second on his docket.  
The next will begin, if not  
tervenes, April 8 before Jud  
rilli E. Otis.

## POSSE HUNTS 2 WH BEAT TEXAS WH

**SAN BENITO, TEX., Mar**  
(UP)—A posse followed  
hounds Wednesday in searc  
men who Mrs. Frank  
daughter-in-law of one of  
who disappeared last fa  
hunting on the vast Kin  
said halted her at a highw  
section and beat her.

**MRS LOVE RALLS**  
**LOS ANGELES, March 1**  
—Mrs. Helen Willis Love, 1  
into a coma nearly a wee  
an attempt to commit a  
will power, regained con  
for a few minutes Wedne  
then sank back into her stupor.

**PLANNED GIRL'S DEATH.**  
**CHARLOTTESVILLE, VA., March**  
17.—(UP)—Prosecutors filed a bill  
of particulars Wednesday charging  
that Dr. Richard G. Miller deliber-  
ately killed 18-year-old Cleo Sprouse  
with chloroform.

FRANK R. BROWN  
March 17, 1937

March 17, 1937

serve to eradicate the evils of job  
insecurity and low wages.  
"Symptom of Deeper Condition."  
"Sit-downs are a symptom of a  
deeper condition and not the cause.  
We ask that those who are inter-  
ested in law and order use their  
energies most effectively by helping

lengthened hours and reduced  
wages. We want contracts with the  
three companies providing for NRA  
conditions."

Perlstein said the strike was  
voted Tuesday afternoon at a meet-  
ing of union employes of the three  
companies at union headquarters.

"About two weeks ago," he said.  
"The Gordon company organized a  
company union. The girls objected  
to that and called the meeting at  
which the strike was voted."

Perlstein said there were about  
500 workers employed by the three  
plants, two-thirds of whom were  
members of the union. Company  
officials placed the number of em-  
ployes at 700 and said union mem-  
bers were greatly in the minority.

While Gernes denied that any of  
his employes were on strike, several  
pickets outside the building, includ-  
ing at least one employe of the  
Gernes plant, bore signs announcing  
that the strike was by employes in  
all three plants.

Gordon asked police to remove  
the strikers who were sitting in the  
lobby of the building, but police  
refused, stating it would be neces-  
sary for him to obtain a court order  
to be served by the sheriff. Gordon  
announced his intention to do so.

The police confined themselves to  
keeping sidewalks as clear as pos-  
sible and halting disturbances.

# Chic

## NEW VERTICAL DESIGN

*The last word in smart*

Enchantingly this a  
popular Vertical design  
fit into your living room  
its size amazingly petite  
compact—its tone gleam  
like all Chickering's

New CHICKI

1212  
Walnut  
536 N. Main

Respondent's Exhibit 18.753  
419753



## GARMENT PLANTS HUM AS POLICE GUARD WORKERS

**Crews Escorted Through  
Lines of Union Pickets  
Here.**

Pictures on Picture Page.

Under protection of police, who escorted them through lines of cat-calling women strikers and strike sympathizers, employees of the three garment companies at 2617 Grand avenue went to work Thursday morning through the rear entrance on Walnut street.

Managements of the Missouri Garment company and Gordon Brothers Manufacturing company said 90 per cent of their 300 employees each were at work while A. B. Gernes, head of the Gernes Garments company, said all of his 200 employees were at their tasks.

Leaders of the International Ladies' Garment Workers' union, which called a strike beginning Wednesday morning, claimed a much larger percentage of workers on strike, however.

**Camp in Front Lobby.**

Between 40 and 50 women, all of whom said they were strikers, were camped Thursday morning in the front lobby of the building, where they had spent the night on cots and blankets on the floors and in show windows. They blocked the front entrance of the building.

Many of them red-eyed from lack of sleep, the sit-downers in the lobby said they "got along fine" during the night, and that the Motion Picture Operators' union had sent them a lunch and provided funds for a breakfast. Spokesmen for the women in the lobby said it was their intention to remain there until union demands for a minimum of \$13 a week, 40-hour week and recognition of the union were met.

**Comment on Wages.**

On the other hand, managements of the garment factories said their wages exceed in isolated instances

## Kansas Cityans Start 10,000-Mile Air Tour



## AMELIA E REACHES ON GLOI

Continued

ping her picture and refused to p assistants were w

Manning said, good throughout

After the plane army hangar Mi crew went to the John C. McDon and a rest befo Howland island.

With Miss Ear parade across the America's Hawai a routine flight air line's giant i per as yet unri with a crew of a for Auckland, N.

**Hawaii Clip:**

The Hawaii Cl water at its Alar at 3:13 p. m. (5:1 time). At 4:21 p sky, commanded Edwin C. Music air.

Seventeen m Earhart took off port, nearby.

It soon becam can airways ha "making a race

At 5:40 p. m. ported Miss E passing the Pa He asked per his sp rd from Permission was

Mantz and N at Honolulu. M pany. Miss E Australia. Fro tinue the flight

to Kansas City by Braniff on. The trip, with stopovers, take about seven weeks and cover more than 10,000 miles. photograph shows Mrs. Lons and her son, and Mrs. Lons grandchildren Paisy and r Thornton, children of Mr. Mrs. Oliver Thornton, 230 Fifty-first street. The grand-ron were at the airport to tra. Lonsdale and their uncle

**News of Saf  
Brings H  
Husba**

**OAKLAND**  
March 18.—(U7 husband of Am lighted Thursd

Post - March 18, 1937

EX-106 19  
Dannelly  
Reed  
12 WITNESS  
B. Warren



plant and that none of his workers belonged to the union.

Under direction of D. E. Reddish, detective assigned to labor troubles, and L. C. W. Shepard of the Country Club police station, nearly a score of police officers kept approximately 100 strikers and sympathizers on the move on the Walnut street side of the factories Thursday morning as workers went to their tasks.

Singly and in groups, workers were escorted to the rear door leading to the three factories amid jeers and cat-calls from the on-lookers.

#### More Police on Duty.

Half a dozen police under Sgt. Mike Chap of the Nineteenth street police station, who spent the night at the scene, were joined at 7:30 a. m. by those under direction of Lieutenant Shepard, including 10 motorcycle patrolmen under Sgt. George R. Macchia.

Three or four fights between women workers and strikers were broken up by the police, but no arrests were made. Strikers engaging in the fights, however, were placed in a police car to keep them out of the way until all workers reporting had entered the plants.

Police said they had received orders to keep the entrances of the plants clear and strikers and sympathizers on the move.

Those occupied in the front lobby said they were holding their places because Judge H. F. McElroy, city manager, had informed them they would not be permitted to return once they departed. They announced their intention of remaining in the lobby again Thursday night.

**GENERAL MOTORS**

PI  
P  
K.C. Journal

Be  
catic  
Bout  
naig  
of a  
day

the Northwest corner of Seventy-fifth street and the Paseo for business use.

W. W. H. Findlay, owner of the property, and his attorney, Fred G. Mancuso, presented to the board plans for a 1-story business building, containing four storerooms. Mancuso said his client bought the property in 1919 and erected a real estate office on it in 1921, prior to enactment of the zoning law.

Seventy-fifth street is a business artery, the attorney declared, and store buildings on it at the Paseo are needed to serve a large residential area. He pointed out that the nearest shopping centers are at Seventy-fifth street and Troost avenue, Eightieth street and the Paseo and Seventy-fifth street and Prospect avenue.

Others Favor Move.

Charles Allen, owner of the south-

## NEARS END F EVIDENCE IN VOTE TRIAL HERE

Continued from Page 1.

800 such witnesses before it its case.

#### Trial Moves Swiftly.

trial, with the bulk of evidence taken into consideration, has more swiftly than the one ing it.

evidence has run the gamut of irregularities. The government has adduced testimony to that the ballot box had been

stuffed; that "ghosts" had voted in the precincts; that a woman had been voted while she was ill in a hospital; that ballots marked for the Republican candidates had been altered to make them count for the Democratic candidates; that the ballot box had been removed for a time from the poll and that a Democratic precinct captain had "doctored" the count early in the day and had so informed a Republican election judge and watcher.

In the latter connection, the Republican and Democratic committee women's names were drawn into the testimony.

#### Quotes Precinct Captain.

Mrs. Marie Denger, Republican clerk and a defendant who has pleaded nolo contendere, quoted George Neeser, Democratic precinct captain, as suggesting the committeewomen had agreed to limit the

"I knew she said. In fact, minutes before rival."

Except for sleep, Putnam receiving repro-

Miss Earhart rose easily from port and head a rainstorm at day (6:30 p. m.

Putnam sat radio receiver ways, broadcast of encouragement

The flight is series of advance most woman former Atch-

abandoned a after the War first solo flight inst "

Si eady the Atlantic a set numerous records for li

Crew

A crowd of the Oakland Accompanying Manning and

tors, and Paul slier, who is technical adv year-old Nev

plans to accor Australia. Th plane at Non-

Miss Earhart purr, her hair as she climbs laboratory,"

husband took the controls. The plane foot muddy approached

(Respondent's Exhibit 19.)

(Respondent's

NEWS WHILE  
IT'S NEWS"

# KANSAS CITY JOURNAL-P

An Independent Newspaper

83rd Year. No. 181.

Entered as second class mail matter at Kansas City, Mo., under the act of March 3, 1879.

Kansas City, Mo., Monday, March 22, 1937.

Publication Office: Third and Oak Sts.  
Published Daily and Sunday.

## VIOLENCE MARKS GARMENT

### DETROIT POLICE RUSH RAIDS ON SITTERS' NESTS

raids of General Auto  
Strike Fail to Halt  
Officers.

By United Press.  
DETROIT, March 22.—Detroit police resumed their raids on sit-down strikers in closed small plants and garages Monday as the threat of a general automotive strike hung over the city.  
They moved in on the Thomas P. Murphy company's printing plant where 20 sit-down strikers have

### THREATS AGAINST LIFE REVEALED BY MURPHY

LANSING, MICH., March 22.—Threats against the life of Gov. Frank Murphy to influence his activity in Michigan labor matters were revealed by the motive on his return to the

### GENERAL MOTORS TO BUILD BUFFALO PLANT

BUFFALO, N. Y., March 22.—(UP)—Plans to construct a million-dollar General Motors plant in Tonawanda, just outside the Buffalo city limits, were announced Monday by Marvin E. Coyle, president of the Chevrolet division of the corporation.

The plant, which will employ between 3,000 and 4,000 workers, will build motors and axles.

Coyle said he expected the plant to begin production January 1, 1938.

### SCHOOL'S GAS 'STOLEN' FROM PRIVATE LINES

Company Didn't Know Pipes  
Were Tapped at Disaster Scene.

By United Press.  
NEW LONDON, CONN.,

### TWO WOMEN FOUND DEAD FROM FUMES

Third Is Near Victim in  
Tragedy at 1402  
Summit.

A small first floor apartment in a rooming house at 1402 Summit street became a death trap for two women Monday morning. Fumes from a stove apparently caused their death, according to preliminary investigations by police.

The dead are Miss Lucille Wear, about 35 years old, and Mrs. Pearl Bright, about 37, who roomed together in the first floor rear part of the rooming house. Their bodies were found stretched out on the floor about 9:30 a. m.

A third near victim of the tragedy was Mrs. Emma Loomis, who lives in a second floor room above the

Just a Coincidence, Wife Hopes



### STRIKE FEARS TUMBLE STOCK MARKET AGAIN

Losses Range to More  
6 Points; Trading  
Mostly Dull.

By ELMER C. WALZER  
United Press Financial Editor.

NEW YORK, March 22.—Cover spread of sit-down brought another wide break in stocks Monday. Losses ranged more than 6 points.

Trading for the most part was dull—major operators withdrew to the sidelines for safety—late periods of liquidation the market in steel, motor and shares thin and prices cruel. The decline, as measured by Jones averages, was one of the worst of the year. Utility showed best resistance, but the age made a new low for the

Small Holders Unleashed.  
The situation in Detroit, where general auto strike is thro-



(Respondent's Exhibit 20.)

# JRNAL-POST

**FINANCIAL EDITION**

22. 1937.

Publication Office, 2304 and Oak St.  
Published Daily and Sunday.

IN GREATER **2c** PER) 15¢ A WEEK  
KANSAS CITY COPY) BY CARRIER

# ARMAMENT STRIKE

# STRIKE FEARS TUMBLE STOCK MARKET AGAIN

## Losses Range to More 6 Points; Trading Mostly Dull.

By ELMER C. WALZER  
United Press Financial Editor.  
NEW YORK, March 22.—Cover spread of sit-down brought another wide break in stocks Monday. Losses ranged more than 6 points.

Trading for the most part dull—major operators withdrew to the sidelines for safety—brought late periods of liquidation in the market in steel, motor and shares thin and prices crude. The decline, as measured by Jones averages, was one of the worst of the year. Utility showed best resistance, but the age made a new low for the Small Holders Unloaded.

## SUICIDE IS BLAMED

# GROUP BREAKS POLICE LINES; SEVERAL HURT

## Head of One Plant Mauled in Melee at 2617 Grand Avenue.

Violence marked the fifth day of the strike of the garment workers union at 2617 Grand avenue Monday morning. A strike picket received a possible fracture of the left arm. Hyman Gordon, head of one of the three garment companies affected, was mauled by women, a score of women workers were assaulted despite police efforts to protect them, and 30 strikers and

Post - March 22, 1937

C382 20  
KENNELLY  
-542 WITNESS  
DANIEL W. ROSS, OFFICIAL  
BY B. Warren

PRICE



50 PER MONTH

...on his return to the... Monday. The governor... had received such threats... since the wave of sit-down strikes began in the state... months ago. He did not receive specific threats.

...in possession since March 12... employees surrendered as soon... police knocked on the door... next went to the Fort street... station and evicted 10 men, 6... and 4 children who had... a sit-down strike because... women were removed from... rolls. There was no resistance... strikers were sent home... city council Monday rejected... application from the United... Mobile Workers for permission... hold a mass meeting Tuesday... in Cadillac square. Union... said they would hold the... anyway.

**Despite Martin's Threats.**  
...threats by Homer Martin... president of the United... Mobile Workers, that a general... strike would be called... forcible evictions by police... Commissioner Heinrich A... conferred with subordinates... the next moves in that direction... Martin said Monday his organiza... was considering drawing up a... asking the recall of Mayor... Couzens because of the raids... strikers.  
...Martin and Richard T. Franken... organizational director of... W.A. went to Chrysler's... offices in a downtown build... to meet with representatives of... corporation in whose nine... 6,000 sit-down strikers... in defiance of injunctions and... of body attachment.

**Appeals to Murphy.**  
...in a letter Monday to... Frank Murphy, asked the state... executive to "give the workers... the state a square deal" by de... that the Chrysler corpora... shide by the Wagner labor act.

**NEW LONDON, TEX., March 22.**  
—William C. Shaw, 31-year-old superintendent of the New London school, admitted before a military board of inquiry Monday that the gas which apparently exploded, killing 428 persons last Thursday, was taken without permission from the pipe lines of a private company.

Just before he had completed his testimony, Shaw virtually collapsed. He was assisted from the witness chair to an anteroom while additional witnesses were summoned.

This testimony, given by the oldest educator in Texas in a firm voice, came after a 18-year-old survivor of the explosion stood before the court and showed that his hair had been singed in the blast. From him came the first direct clew to the source of the spark that apparently detonated pockets of gas that had formed from faulty connections or equipment.

**Blames Electric Spark.**  
The youth, John Dow, testified the explosion, accompanied by a flash of flame, came from the sub-base-ment when a manual training instructor closed an electric switch to a sanding machine.

Shaw went before the board this third day of the inquiry and admitted that the Parade Gas company's natural gas pipe line that passed under the campus of the school was tapped without the company's permission.

He also admitted officials of the United Gas company, from which the school board previously bought its fuel gas supply, had warned him "the board might be using a dangerous gas." He said a United Gas

Turn to Page 4, Column 1.

**DITTO ON \$25 FINE, TOO**

**William Hale and William Hale Before Judge.**

...in a second floor room above the quarters occupied by Mrs. Bright and Miss Weare. Fumes seeping through the floor and walls made her so ill and faint that neighbors summoned an ambulance for her.

**Dies as Wedding Nears.**

Neighbors said they had been told that Monday was to have been Miss Weare's wedding day. They did not know the name of her fiancé.

Ila Miller and Ira Johnson, members of the police homicide squad, said, after a preliminary investigation, that they believed the deaths accidental.

They found a gas burner under a water heater still burning when they arrived at the scene. This discred-

Turn to Page 2, Column 1.

## MOST ACTIVE STOCKS

NEW YORK, March 22. (UP)—The 15 most active stocks traded on the New York stock exchange:

	Sales	High	Low	Close	Chg.
N. Y. Cent.	10,200	51 1/2	49 1/2	50 1/2	-1 1/2
U. S. Steel	10,200	115 1/2	113 1/2	114 1/2	-1 1/2
Rep. Steel	10,200	43 1/2	42 1/2	42 1/2	-1 1/2
Rock. Co.	10,200	11 1/2	11 1/2	11 1/2	-1 1/2
Am. Can.	10,200	21 1/2	20 1/2	20 1/2	-1 1/2
Am. Tel. & Tel.	10,200	21 1/2	20 1/2	20 1/2	-1 1/2
Gen. Motors	10,200	21 1/2	20 1/2	20 1/2	-1 1/2
Goodyear	10,200	21 1/2	20 1/2	20 1/2	-1 1/2
Yellow. T.	10,200	21 1/2	20 1/2	20 1/2	-1 1/2
Inter. Ir.	10,200	21 1/2	20 1/2	20 1/2	-1 1/2
Common. So.	10,200	21 1/2	20 1/2	20 1/2	-1 1/2
Shoe P. & L.	10,200	21 1/2	20 1/2	20 1/2	-1 1/2
Int. Nickel	10,200	21 1/2	20 1/2	20 1/2	-1 1/2
Tex. Corp.	10,200	21 1/2	20 1/2	20 1/2	-1 1/2
Chrysler	10,200	134 1/2	130 1/2	131 1/2	-1 1/2

## MARKETS AT A GLANCE.

**STOCKS**—Broke 1 to more than 4 points in moderate trading.  
**BONDS**—Lower: 10 U. S. government issues at new lows.  
**CURB STOCKS**—Fractions to 5 points lower.  
**FOREIGN EXCHANGE**—Easy.  
**COTTON FUTURES**—Closed 11 to 30 points higher.  
**WHEAT**—About 1 1/2 cents higher and down from best prices.  
**CORN**—Up 1/2 to about a cent.  
**CATTLE**—Ready to a quarter lower.  
**HOGS**—Unchanged to a nickel up.  
**SHEEP**—Quoted weak to lower.

**STOCK AND BOND INDICES.**  
Copyright, 1927, by Standard Statistics Co.  
Following are the New York stock and



Mrs. Mildred Seighman (lower right), 23 years old, 613 Waverly avenue, Kansas City, Kan., hopes the simultaneous disappearance of her 17-year-old husband, Raleigh Seighman (lower left) and her 15-year-old sister, Miss Grace

Warden (upper), 55 South Coy street, sophomore at Wyandotte high school, is a coincidence. She told Kansas City, Kan., police Monday her husband had given her no reason to think he was leaving with Miss Warden.

## LATEST RACING RESULTS

RACE ENTRIES ON PAGE 4.

### TROPICAL PARK—FLA.

**FIRST RACE**—4 miles.  
Honey Royal (Wagner) 74.00 52.10 57.30  
Bravo Caruso (Schmidt) 1.00 2.00  
Slippery Sam (LeBlanc) 2.00  
Time, 1:13.1-4. Also ran: Smart Bird, Cander, Top Gun, Brine Juv, T.T. Jones.  
**SECOND RACE**—Mile.  
Van Way (Landolt) 51.00 52.00 50.00  
Lomba Wool (Schmidt) 10.50 7.30  
Bynum Run (Hardy) 35.00  
Time, 1:30.4-5. Also ran: War Humor, Havana, Grover O. Octave, Unknowns, Worlds, Opus, Linster, Polychrome.  
**THIRD RACE**—1/2 mile.  
Earl Porter (LeBlanc) 51.50 52.00 51.00  
Judas Race (Balash) 1.00 1.50  
Yerpichore (Steffen) 1.00 1.50  
Time, 1:11.1-6. Also ran: Miss Trophy.  
**FOURTH RACE**—1/2 mile.

### HOT SPRINGS—ARK.

**FIRST RACE**—1/4 mile.  
Red Go (Marlin) 55.00 57.30 52.30  
Glades (Pett) 0.00 4.70  
Keadel Green (Smith) 0.00  
Time, 1:07.4-5. Also ran: Timping, Witch, Flying Justice, Vintana, Xbones, XBrooks, Golden Spur, Forewarned, Cap-italist.  
2 Field.

### LENTEN SERIES BEGINS

**Dean Sprouse Speaks at Union Service.**  
The first of a series of union

**Small Holders Unload.**  
The situation in Detroit, where general auto strike is, was plus announcement that 13,000 & Laughlin Steel employees seek new wage adjustment outbreaks of sit-down strikes at other centers, created nervousness by small holders.

United States Steel began around 112 for almost 5 points. Republic dropped more. Bethlehem dropped to around 40 for almost 4 points loss. G. I. was 5 points lower. Weakness in face of announcement by Carnegie & Steel Institute of operations schedule for the this week at 89.6 per cent capacity making tonnage output since May, 1929.

Chrysler led the decline by dropping more than 6 points. Motors lost a point. Du Pont holds a substantial block. Motors, broke to a new low year on more than 5 points.

American Telephone dropped to a new low for the year on almost 3 points loss. Western Union lost 1/2 and International Telephone was 1/2 lower at 13. Metal shares weakened under lead of Anaconda which was almost 4 points lower under 60 and American Smelting which gave almost 2 points.

### Several New Lows Quoted.

New York Central dropped through 30 for almost 3 points loss while Southern Pacific lost more than 3. Southern Railway lost almost 3 and Atchafalpa gave 2 1/2 to 81 Chesapeake & Ohio made a new low for the year at 60.

Mercantile shares dropped fractions to 2 points as prospects of losses in sales as result of strikes. Among utilities, North American Dow Jones preliminary closing averages showed industrial, 179.82, off 4.22; railroad 60.18, off 2.40; utility 31.92, off 0.87.

Transactions approximated 2,030,000 shares compared with 1,740,000 shares Friday.

Curb transactions were 545,000 shares compared with 432,000 shares Friday.  
Bond transactions approximated

K.C. Journal



By ELMER C. WALKER

United Press Financial Editor

NEW YORK, March 22.—

cover spread of sit-down brought another wide break stocks Monday. Losses ran more than 6 points.

Trading for the most part dull—major operators withdrew to the sidelines for safety—late periods of liquidation the market in steel, motor and shares thin and prices crushed. The decline, as measured by Jones averages, was one of the worst of the year. Utilities showed best resistance, but the age made a new low for the

#### Small Holders Unleashed

The situation in Detroit, with general auto strike in three plus announcement that 13,000 & Laughlin Steel employees seek new wage adjustment outbreaks of sit-down at other centers, created nervousness by small holders.

United States Steel fell around 112 for almost 5 points. Republic dropped more. Bethlehem dropped to around 40 for almost 4 points loss. General Motors was 5 points lower. Weakness in face of announcement by Iron & Steel Institute of operations schedule for the first week at 80.8 per cent capacity making tonnage output since May, 1929.

Chrysler led the decline by dropping more than 6 points. Motors lost a point. Du Pont holds a substantial block. General Motors, broke to a new low year on more than 3 points.

American Telephone dropped to a new low for the year on almost 3 points loss. Western Union lost 3 and International Telephone was 1/2 lower at 13. Metal shares weakened under lead of Anaconda which was almost 4 points lower, under 60 and American Smelting which gave almost 2 points.

#### Several New Lows Quoted

New York Central dropped through 50 for almost 3 points loss while Southern Pacific lost more than 3. Southern Railway lost almost 3 and Atchison gave 2 1/4 to 81. Chesapeake & Ohio made a new low for the year at 60.

Mercantile shares dropped fractions to 3 points as prospects of losses in sales as result of strikes. Among utilities, North American Dow Jones' preliminary closing averages showed industrial, 179.82, off 4.22; railroad 80.18, off 2.40; utility 31.92, off 0.87.

Transactions approximated 2,030,000 shares compared with 1,740,000 shares Friday.

Curb transactions were 545,000 shares compared with 432,000 shares Friday.

Stand transactions approximated

K.C. Journal Post - March 22

RECEIVED  
MAR 22 1934  
IN THE MATTER OF  
THE ESTATE OF  
DANIEL W. ROSS, DECEASED  
BY  
B. Warren

proposal a plan for a constitutional amendment.

#### Would OK "Reasonable" Change

Wheeler, declaring he spoke for the "vast majority" of foes of the president's plan, said the opposition would support "any reasonable constitutional amendment" as a compromise.

He forecast quick passage of such an amendment if supported by the president, and declared that Roosevelt himself, had he been on the supreme court at the time, would have ruled the NRA and AAA unconstitutional.

"An increase in the number of justices of the supreme court, apart from any question of policy, which I do not discuss, would not promote the efficiency of the court," Hughes' letter said.

"It is believed that it would impair that efficiency so long as the court acts as a unit," Hughes said.

#### Rejects Division Plan

Hughes added "it is believed" a suggested plan for dividing the court up into groups to speed its

Violence marked the fifth day of the strike of the garment workers union at 2617 Grand avenue Monday morning. A strike picket received a possible fracture of the left arm. Hyman Gordon, head of one of the three garment companies affected, was mauled by women, a score of women workers were assaulted despite police efforts to protect them, and 30 strikers' and sympathizers were detained temporarily by police.

The scene on Walnut street at the rear entrance of the building housing the Gordon Brothers Manufacturing company, the Gernes Garment company and the Missouri Garment company was one of bedlam.

#### Shout and Jeer

More than 200 strikers and strike sympathizers stood behind rows of uniformed police shouting and jeering, shoving, kicking and fighting whenever a group of women workers attempted to enter the building.

Dozens of times the strikers and sympathizers broke through the police lines to grab a woman worker and give her a mauling and hair pulling. After each melee from one to several women were loaded aboard a patrol wagon standing near the scene. Several loads were taken to the Nineteenth street station and later released without being booked.

When Gordon, president of the Gordon Brothers Manufacturing company, left his car and started to enter the rear door between lines of policemen, half a dozen or more women broke through the lines and seized him.

Police had considerable difficulty in freeing Gordon from the pulling hands of the women and got him into the building after a considerable roughing and hair pulling.

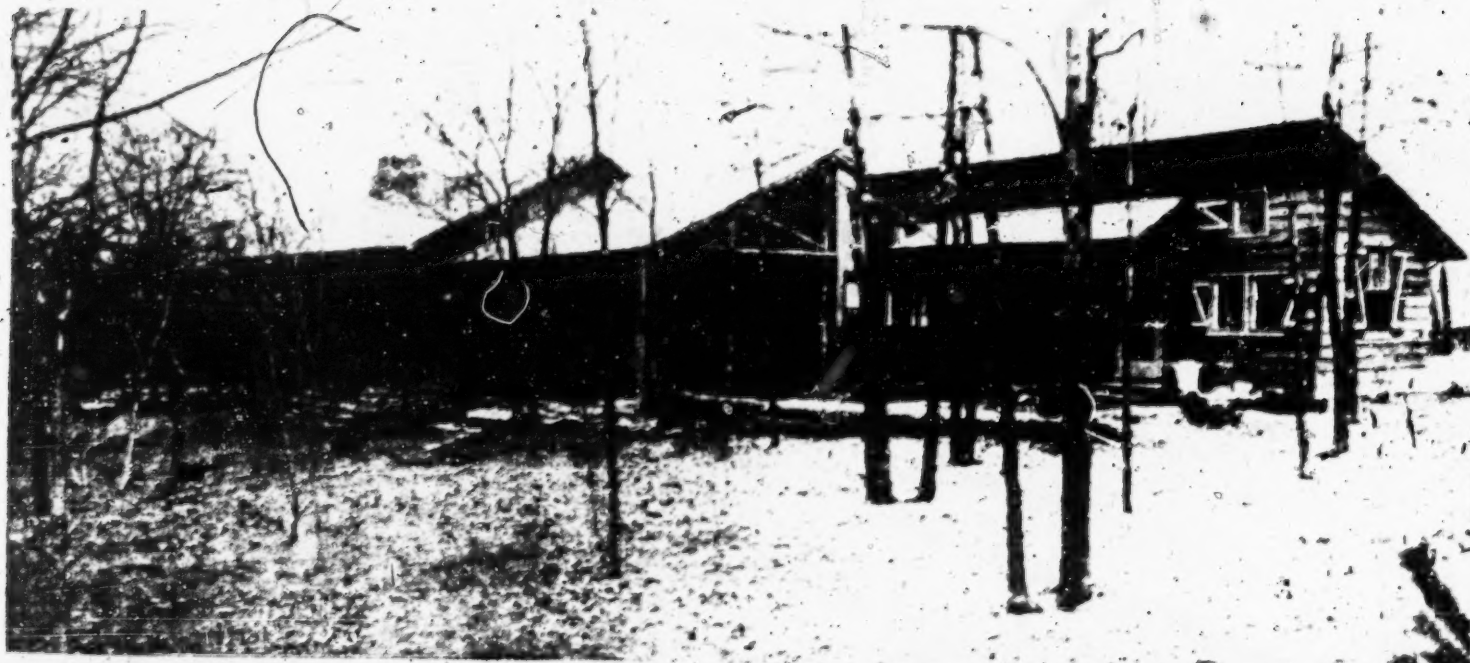
But in spite of the violence, it seemed to be a highly good humored

Turn to Page 2, Column 4

#### MAY RAIN TUESDAY

Temperature Will Be in 60's, Hamrick Predicts.

Spring spread her arms with a generous gesture of sunshine and balmy temperature Monday. But being a capricious miss, she threatened clouds and possible spring showers Tuesday.



—Treas-Murphy Photo.

## LABOR RELATION ACT VIOLATED, CHARGE BY UNN

**Organizer Prepares to Test  
Butler Dispute to Federal Board.**

Charges against the Butler Manufacturing company will be filed with the national labor relations board, Hugh Lyons, Granite Hill, organizer for the Amalgamated Association of Iron, Steel and Workers, who is in Kansas City, direct a strike at the plant, announced Monday.

Lyons said the complaint against the company, where 174 members of the union have been on a sit-down strike 10 days, will be filed Monday afternoon or Tuesday morning.

Post - March 22, 1937

1937 20

Kennelly

5-42 WINS.

DANIEL W. BOSS, OFFICER

BY B. Warren

appeared before it was destroyed Sunday night by fire. Cause of the blaze has not yet been determined.

sioner. Men defendants were released on \$2,000 bonds and women defendants on \$1,500 bonds.

James Dalco, defense attorney, objected to fingerprinting the new defendants. His objection was disregarded by Robert Pulliam, chief deputy, who said department of justice regulations required it. Fingerprints made on arraignment have been used in previous trials for comparison with prints on altered ballots.

The new indictments charge irregularities in the seventh and tenth precincts of the Twelfth ward and the twenty-first precinct of the Fifth ward.

## VIOLENCE MARKS GARMENT UNION WORKERS' STRIKE

Continued from Page 1.

group that sought to keep the garment workers from going to their

taxicab, only to turn away in fear of attempting to enter. Between 30 and 75 women workers assembled at Twenty-seventh and Walnut streets, half a block away, fearing to approach closer to the building and run the lines of strikers and sympathizers.

Later, however, when the ranks of strikers and sympathizers had been thinned somewhat by trips of the patrol wagon, A. B. Gernes, head of the Gernes Garment company, and Milton Gordon of the Gordon plant, picked up the girls in groups in their cars and drove them to the entrance.

By mid-morning managements of the three garment plants said virtually all of their workers had entered the plant and were at their tasks.

While officials of the Missouri and Gordon plants say that less than 10 per cent of their employees are on strike and the Gernes plant claims none on strike, officials of the International Ladies Garment Workers union claimed a considerable larger percentage to be out.

### DOG'S DEVOTION FATAL

WARNEMUENDE, GERMANY  
March 22.—(UP)—The fidelity of a Doberman Pinscher dog to its dead master led to his own death Monday. The dog made daily trips to

## End Co Inno

**Funeral.**  
Howard R. tive and f ator, who 6150 State p. m. W chapel. B Park came For the way had l ocutive ca Millers' com any. president.

In 1913 representative ses distric 22 years Democrat elected sta that capac

He was born in F graduation Yellow S Baldwin. Baker un lished his office in named by as assista surance.

He serv reappoints secretary company.

He was Blue lodg ish Rite Odd Fell club.

He is st Susan E. daughters West Sev Mrs. Geo and three

BU T E Respon Bus 12:1 cafe dedi

board, Hugh Lyons, Granite  
Ill., organizer for the Amalgam  
Association of Iron, Steel and  
Workers, who is in Kansas City  
direct a strike at the plant,  
nounced Monday.

Lyons said the complaint ag  
the company, where 174 m  
bers of the union have been  
sit-down strike 10 days, will  
filed Monday afternoon or Tue  
morning.

Hearing on an application fo  
injunction, sought by the B  
company to oust the strikers  
the plant, was continued Mon  
afternoon until 9 a. m. Tue  
after attorneys for both sides  
ferred with Judge Emery  
Wright. The attorneys wanted a  
time to study the law on the  
ter.

The strikers, according to  
organizer, merely are seeking  
induce their employers to re  
nize their union as the sole barg  
ing agency for the Butler wor  
By refusing to negotiate with  
union members, he said, the  
pany has violated the national  
relations act.

Lyons asserted the sit-down  
at the Butler plant started aft  
E. Norquist, president, and  
company executives ignored a  
quest to meet with the workmen  
said that he had called upon  
pany representatives and arra  
for a conference Monday night at  
which he hoped the whole contro-

K.C. Journal Post - Mar

NATIONAL LABOR LEAGUE  
C1342  
THE MATTER OF  
W-5-42 WINFESS  
DANIEL W. BOSS, OFF  
BY B. Warr

were arraigned before Charles H  
Thompson, United States commis-

and the twenty-first precinct of the  
Fifth ward.

## VIOLENCE MARKS GARMENT-UNION WORKERS' STRIKE

Continued from Page 1.

group that sought to keep the gar-  
ment workers from going to their  
tasks. They seemed to be having a  
lot of fun. Even those put in the  
patrol wagons and taken to the po-  
lice station accepted it as a lark.  
They were driven away with the  
horns of the others ringing in their  
ears.

In one of the melees Miss Mary  
Brown, 3410 Troost avenue, strike  
picket, fell to the sidewalk. She  
was taken to the general hospital  
where it was said she suffered a  
possible fracture of the left arm.

Many of the workers approached  
the building by foot, motor car and

While officials of the Missouri and  
Gordon plants say that less than 10  
per cent of their employees are on  
strike and the Gernes plant claims  
none on strike, officials of the In-  
ternational Ladies Garment Work-  
ers union claimed a considerable  
larger percentage to be out.

### DOG'S DEVOTION FATAL

**WARNEMUENDE, GERMANY**  
March 22.—(UP)—The fidelity of a  
Doberman Pinscher dog to its dead  
master led to his own death Mon-  
day. The dog made daily trips for  
two months to visit the grave of its  
master, a retired sea captain. On  
the way home Sunday the animal  
broke through the thin ice of a  
pond and drowned.

### MRS. SCHORER IN HOSPITAL

Mrs. Edwin H. Schorer, wife of  
Dr. Schorer, director of health,  
underwent a minor operation at Re-  
search hospital Monday. Her condi-  
tion after the operation was said to  
be satisfactory and it was said she  
would be able to return to her home.  
1010 West Fifty-ninth street, later  
this week.

He is at  
Susan E.  
daughters  
West Sev  
Mrs. Geo  
and three

BU  
LO  
Respondent's Exhibit 20.)  
Bus. 12:1  
cald  
ded  
patr  
figh  
aver  
Otte  
will  
will  
mer

RE  
CI  
Six  
ben  
his  
died  
day  
son  
gust

Emery Bird Thayer's  
Greater BASEMENT







# RNAL-POST

Publication Office, 32nd and Oak Sts.  
Published Daily and Sunday.

IN GREATER **2c** PER) 15c A WEEK  
KANSAS CITY COPY) BY CARRIER

# R SITTERS OUT

# STOCK PRICES MOVE HIGHER

# GROUP RESTRAINED FROM INTERFERING WITH OPERATIONS

## NEW DISTURBANCE NETS ARRESTS IN GARMENT STRIKE

## Property Seizure Is Called Illegal in Injunction by Judge Wright.

An injunction to restrain 174 sit-down strikers from interfering with the operations of the Butler Manufacturing company, which they have held since March 12, was issued in the circuit court Tuesday by Judge Emory H. Wright.

The next move in the controversy between workers and employees is to serve the 148 named as defendants with a copy of the court order and demand they evacuate the plant by 9 a. m. Wednesday. Failure to comply with the order would mean that the workers were in contempt of court and liable to fine and im-

# Union Group Repents at Plant and Police Book 23.

- Dress cutters at the Gordon Brothers Manufacturing company Tuesday morning joined the strike of members of the International Ladies Garment Workers' union, affecting three factories at 2617 Grand avenue. The company has material cut for about a week ahead, according to Hyman Gordon, head of the Gordon plant.

Violence again marked the ar-

KC Tourist - Post -

NATIONAL LABOR FEDERATION  
 1000 E 1382  
 8-5-42  
 WITNESS  
 B. W. Brown

and not win  
erals.  
cracy work  
instruments  
aid.  
swer to our  
are genera-  
st American  
minor flaws,  
rest and best  
ment of de-

American  
public in an  
ly what is  
of economic  
seek to con-  
wisdom, and  
the change.  
r. Roosevelt  
side his own  
the grand  
an constitu-  
to seek to  
the destruc-  
tradition is  
column 1.

**IN MAY**  
**If Not Try**

and New York  
March 23.—  
n in an in-  
dicated his  
t, probably  
in May on  
light around  
interrupted  
90,000 Lock-  
shed at Luke  
plane is to  
sk and Miss  
to California  
lalolo.  
aths of Miss  
onolulu." Mr.  
a variety of  
to her plans  
ectly quoted  
she hops off  
rmpy a speed  
ld.  
no founda-

From the Journal-Post Topeka Bureau.  
**TOPEKA, March 23.**—The senate and house conference committee working to iron out differences over the bill to regulate beer sales was reported to have reached an agreement Tuesday over the question of giving township officials control over beer dispensers.

The house had provided that no licenses could be issued by county commissioners without approval of the township officials. The senate refused to approve the township provision. The compromise agreement provides that when an individual applies to the county commissioners for a beer permit the county commissioners shall notify the township officials by registered mail of such application and shall fix a hearing date at which the township officials may appear and register a protest.

If the township officials do not appear to protest then the county commissioners may proceed to issue the permit.

It was expected that a report would be made to the two houses on the compromise agreement before the end of the day. A poll indicated a majority of the members of the two houses would accept the compromise plan.

**SENATE PASSES BILL  
FOR CAPITOL ADDITION**

**WASHINGTON, March 23.**—(UP)—The senate Tuesday passed a bill authorizing an appropriation of 4 million dollars to build an addition to the east front of the capitol building. The measure now goes to the house.

Chairman Tom Connally (D), Texas, of the senate committee on buildings and grounds, in urging enactment of the bill, said "every capitol architect since 1851 has advocated the addition according to the plans now proposed."

Mon. accepted Murphy's invitation to attend a conference at Lansing at 11 a. m. Wednesday. Soon after noon the governor had received no reply from Walter P. Chrysler, head of the automobile concern, who also was invited, but Murphy said he was "very hopeful" the conference would be held.

Lewis, who technically can be arrested if he sets foot in Detroit, wired Murphy from Washington he was being summoned under duress.

"Nevertheless and notwithstanding, I agree to be present," Lewis telegramed.

Lansing, the state capital, is in Ingham county—outside the jurisdiction of the Wayne county circuit court, which ordered the arrest of Lewis and the 6,000 Chrysler sit-down strikers because they ignored an injunction commanding them to leave nine plants. Should Sheriff Thomas Wilcox suddenly decide to enforce the court's order, he could arrest Lewis if the labor leader

Turn to Page 2, Column 4.

**FIVE DIE IN FIRE**  
**Others Hurt in Leap From**  
**Blazing Residence.**

**BALDWIN, N. Y., March 23.**—(UP)—Five persons died early Tuesday in a fire which destroyed the residence of William Morse at Baldwin Harbor, Long Island.

The victims were Mrs. Rose Morse, 42-year-old wife of William Morse, and their daughters, Rose, 13; Jessie, 11; Helen, 9, and Barbara, 4.

Morse, janitor at the Baldwin high school; his daughter, Lillian, 19, and his son, William, Jr., 16, suffered broken bones and other injuries when they leaped from second-story windows.

Firemen tentatively advanced the theory the flames originated from an oil burner attached to a coal range in the kitchen.

now threatening to kidnap Almee Semple McPherson from her Angelus temple.

While the red-haired evangelist was kept under guard, Detective Lieutenants Robert Underwood and D. R. Patton submitted the letter to fingerprint experts.

**FIVE KILLED IN TEXAS**  
**AUTO-BUS COLLISION**

**AUSTIN, TEX., March 23.**—(UP)—Five persons were killed Tuesday when an automobile and a bus in which members of the Glenn Lee orchestra were riding, collided. The bus bore Illinois license plates.

E. D. Davenport of Dallas and his chauffeur, and Sanford Hendry and Edgar Williamson orchestra members, were killed, police said. The body of the fifth man was not identified.

**HOWARD WILKINSON**  
**SHOOTS SELF FATALLY**

Howard Wilkinson, 60 years old, 3037 Flora avenue, died in a general hospital ambulance Tuesday afternoon from a bullet wound in his left chest. His wife, Mrs. Mamie Wilkinson, told police she heard a shot and went to the basement of their home and found her husband seated in a rocking chair and clutching an automatic pistol. She said he had been dispondent.

**EASTER VACATION AT**  
**M. U. STARTS THURSDAY**

**COLUMBIA, MO., March 23.**—(UP)—Frederick A. Middlebush, president of the University of Missouri, announced Tuesday that Easter vacation for university students would start Thursday. Classes will be resumed the following Monday.

This will be the only vacation break in the second semester. Final examinations will be held May 29 to June 3 inclusive.

Honorable (Barnett)  
Queen Regnant (Beutlich)  
Time 47 Also ran Gray Lane  
Clap, Pebble M. Pearl, 100 yd.  
Gipsy, Alm Tish, 100 yd. Spot,  
Bert, Accordian.  
xField.

**MOST ACTIVE STOCKS**

NEW YORK, March 23.—(UP)—Most active stocks traded on New York stock exchange

	Bails	High	Low	Close
Rep Steel	45,100	43 1/2	41 1/2	43
N. Y. Cent.	45,700	31 1/2	29 1/2	31 1/2
U. S. Steel	38,500	11 1/2	11 1/4	11 1/2
Gen Motors	20,700	62 1/2	61 1/2	61 1/2
Andron Cop	25,500	62 1/2	60 1/2	62 1/2
Int Paper C	20,000	7 1/2	7	7 1/2
Rad Cr Am	20,000	11 1/2	11	11 1/2
Balt & O.	20,100	37 1/2	36	36 1/2
Yellow T	10,200	32 1/2	30 1/2	31 1/2
Comelit	5,400	3 1/2	3	3 1/2
Texas Corp	15,000	47 1/2	50 1/2	57 1/2
Rocky Vac	15,400	14 1/2	12 1/2	13 1/2
Ken Copper	14,800	42 1/2	40	41 1/2
Inverlake	14,400	34 1/2	33 1/2	34 1/2
Int. Pap	13,700	110 1/2	107 1/2	108 1/2
Gen. Elec	13,700	35 1/2	34 1/2	35 1/2

**MARKETS AT A GLANCE**  
By United Press.  
New York.  
**STOCKS**—Highly irregular in movement. Issues higher.  
**BONDS**—Irregularly higher.  
**CURB STOCKS**—Higher in general.  
**FOREIGN EXCHANGE**—Firm to the dollar.  
**COTTON FUTURES**—Closer to points lower.  
**RUBBER**—Easy.  
**WHEAT**—Minor fraction to 1 cent 1.  
**CORN**—Gained 1/2 cent for day.  
**CATTLE**—Steady to a quarter lower.  
**HOGS**—Generally weak to a nickel down.  
**SHEEP**—Unevenly lower, extreme losses 50 cents.

**COMMODITY PRICE INDEX.**  
Copyright, 1937, by Dun & Bradstreet.  
**NEW YORK, March 23.**—(UP)—Dun & Bradstreet's daily weighted price index of 30 basic commodities, compiled for the United Press (1926-1932 average 100):

	Today	Monday	Week ago	Month ago	Year ago
1937 high	157.29	157.74	151.93	141.49	130.90
1937 low	153.74	151.47	141.49	130.90	116.47

Of the 30 commodities used in compiling the index 4 advanced, 16 declined and 10 were unchanged. Wheat, corn, butter and tin advanced, while cotton, rubber, lead, hogs, steers, lamb, oats, lard, silk and eggs declined.

**RANGE OF STOCK AVERAGES.**  
**NEW YORK, March 23.**—(UP)—Dow Jones stock averages:  
High Low Close Gain Sales  
30 Ind. 182.56 179.93 181.87 3.95 188,000  
20 Rails 91.43 90.32 91.13 0.96 161,700  
30 Util 33.55 31.90 32.51 0.20 77,300

MISS Red  
Connally  
21  
-Post - March 23, 1937

123 1/2. Caterpillar tractor was up 2 at 88, and Case reached 153. up 3. Mail order issues followed the farm group.

Several issues made wide gains. American Steel Foundries touched 62, up 4 1/2 points; Allied Chemical 238, up 4; American Agricultural Chemical 91, up 3; Fairbanks-Morse 60 1/2, up 3 1/2; Continental Baking A 33, up 2 1/2; International Paper preferred 100 1/2, up 3 1/2; Union Bag & Paper 82 1/2, up 3 1/2, and Westinghouse Electric 130 1/2, up 4 1/2.

**Du Pont Goes to New Low.**  
Du Pont, an exception to the trend, declined to a new low for the year at 156 1/2, off 2 1/2.

Corporate bonds were mixed, while U. S. governments generally were firmer.

Grains closed irregularly higher. Metals gained here and in London. Dow-Jones preliminary closing

day morning joined the strike of members of the International Ladies Garment Workers' union, affecting three factories at 2617 Grand avenue. The company has material cut for about a week ahead, according to Hyman Gordon, head of the Gordon plant.

Violence again marked the arrival at the three plants of employees who have not joined the walkout. And again, as Monday, Gordon was mauled by women strikers and strike sympathizers when he sought to enter the plant at the rear entrance on Walnut street.

Despite efforts of police to protect him, Gordon was pulled and shoved around in the street and on the sidewalk in front of the rear entrance and received several scratches on the face.

Jack M. Spay, international organizer for the union, said the signing up in the union Monday of the four Gordon plant cutters meant "a big break for the union" in the strike.

For the first time in the strike, which began last Wednesday, arrests were made Tuesday morning.

Turn to Page 2, Column 1.

averages, industrial 181.89, up 2.07; railroad 81.13, up 0.93; utility 32.31, up 0.39.

Transactions approximated 1,500,000 shares compared with 2,000,000 shares Monday. Curb transactions approximated 335,000 shares compared with 343,000 shares Monday.

Bond transactions approximated \$20,180,000 compared with \$18,900,000 Monday.

**WHAT THE MARKET DID**

	Times	Mon	Wk ago
New highs	8	16	36
New lows	198	198	65
Advances	485	91	470
Declines	229	781	324
Unchange	166	72	181
Total	881	934	899

of court and liable to fine and imprisonment.

A representative of the sheriff's office was expected to go to the plant Tuesday afternoon to read the order.

The workers, from the time they first started their sit-down strike, have announced they had no intention of relinquishing the property until their demands were met. They ignored a previous demand to leave after it was posted as a bulletin March 18 by their employers. The workers said Monday, a few hours before the first hearings on the application for an injunction was heard, that they would resist eviction.

#### **Favors Property Owner.**

In granting the injunction, Judge Wright said the law on the matter clearly favored the property owner, as no one had a right to seize another's property. However, he conceded the fact workers, in many instances, were left at a disadvantage because of the lack of necessary legal machinery to appeal their cause.

"And until the congress or the state legislature establish laws for the workers, existing laws must be enforced," Judge Wright ruled.

Harry S. Davis and William Goodman, attorneys for the strikers, opposed the issuance of an injunction and asked for two or three days more time in which to try to end the differences between the workmen and their employers, who, they said, were "only inches apart."

#### **Gives Workers' Views.**

"The workmen," Davis asserted, "are laboring under the theory that what the law gives to one man should be given to others. Their employers are invoking the law against them, still they refuse to recognize the national labor relations act, which gives the worker the right to organize and to bargain collectively."

Davis said the men never had refused to arbitrate, in fact, he declared, they were eager to arbitrate with their employers in an attempt to bring about a peaceful settlement of the whole controversy.

As an example of what he said was the company's unwillingness to deal with the men, Davis cited a notice posted March 18 by company officials in which the men were ordered to vacate the premises they have held since March 12 under threat of dismissal and prosecution for trespassing.

Davis also asserted the Butler company did not enter court with clean hands since it had violated the provision of the national labor relations act by threatening dismissal and prosecution of the workers for their activities in organizing



Wright said the law on the matter clearly favored the property owner as no one had a right to seize other property. However, he noted the fact workers, in instances, were left at a disadvantage because of the lack of necessary legal machinery to aid their cause.

"And until the congress or state legislature establish law, the workers, existing laws must be enforced," Judge Wright ruled.

## Twenty-Three Arrested as Strikers, Non-Strikers and Police Stage Daily 'Show' at Garment Plant



Fights and hair-pullings between strikers and strike sympathizers and workers were frequent Tuesday morning at the scene of

the strike of union members at three garment plants at 2617 Grand avenue. Twenty-three arrests were made. At the left, two

women strikers and a policeman were caught by the camera as they fell to the sidewalk in one of the melées. At the right, a woman



striker pulls the hair of a worker seeking to enter the plant while a policeman tries to separate them. Hyman Gordon, head of one of

the factories, was given a severe spanking by the strikers in spite of police efforts to protect him. The women arrested were booked

at the Nineteenth Street police station on charges of disturbing the peace. They were released on \$25 bond.

Journal Post Photos



Those statements can be made with reasonable certainty on the basis of what I was permitted to learn or witness on a trip to Moscow—first stop on my flying survey of Europe's 1937 war machines. The statements are made with a full knowledge of the fact the country's policy of secrecy has had a tendency to result in exaggeration abroad of the military power of the Soviets—a result the Soviets naturally have encouraged.

The Soviets in 1937 are devoting one-fourth of their entire budget to military preparations, totaling 26 million roubles, which, at the arbitrary exchange rate of five roubles to the dollar, amount to \$5,200,000,000.

#### Largest in World

In numbers alone the Soviet standing army is the largest in the world, totaling 1,300,000, which is double what it was four years ago.

The union has a population of 170 million—the largest in the world except for China—to draw upon. At present, the population yields a conscription class of 3 million a year, from which only the best are chosen, to serve from two to four years.

Russia has 2 1/2 million trained reserves and 1 1/4 million partly trained. In addition 13 million youths receive rudimentary preliminary training under the volunteer air and chemical defense society.

Furthermore, the Soviets decided to adopt Benito Mussolini's plan for preliminary military training of children from 8 years old and upward in drills, games and sports designed to imbue them with the military spirit.

#### Vast Pool of Manpower

An advantageous feature of the Soviet army is that only 27 per cent is composed of non-permanent militia, the remainder being permanent through the conscription period.

Thus the Soviets tower far above other European armies in numbers actually under arms, numbers of immediately available trained reserves and a vast pool of other manpower.

In two vital factors of modern warfare the Soviets undoubtedly are heavily superior, that is, in numbers of airplanes and tanks, regarding which the utmost secrecy is preserved.

Only comparative figures are ever given in official reports. The latest, issued last January, said only that aviation strength had increased in four years by 330 per cent, and

nourished and excellently disciplined.

## NEW DISTURBANCE NETS ARRESTS IN GARMENT STRIKE

Continued from Page 1.

Nineteen strikers and strike sympathizers and four workers were booked at the Nineteenth street police station on charges of disturbing the peace. They were released on \$25 bond each for appearance in municipal court Wednesday at 9 a. m. Frank Aylward represented the union as attorney.

Previously police merely have taken disturbers to the police station where they were held for a brief time and then released.

Forty policemen, including seven double cruiser crews in charge of Lt. C. W. Shepard of the Country Club station, 10 motorcycle patrolmen in charge of Sgt. George E. Maccham, and D. E. Reddish, detective assigned to labor troubles, were at the garment plants striving to keep order.

#### Crowd Annoys Police

Police were annoyed by a large crowd of men spectators, including many apparent strike sympathizers, which assembled across the street from the Walnut street entrance to the building. Between 300 and 400 men in the crowd, it was estimated. It was necessary to drive the crowd of spectators back several times.

A. E. Gernes, head of the Gernes Garment company, said virtually all of his women employees had entered the plant by 9 a. m. The Gordon and Missouri Garment plant claimed a large majority of their workers had entered by that hour. A fleet of taxicabs carried Gordon workers to the door, from which the workers entered the building through lines of police holding back struggling strikers and sympathizers.

#### List Those Booked

Strikers and strike sympathizers booked by police included:

Mrs. Nellie Monahan, 700 Kensington avenue.  
Miss Anna Talpala, 3800 Brooklyn avenue.  
Mrs. Josephine Nichols, 3117 East Tenth street.  
Miss Mabel Jordan, 1004 Bellevue avenue.  
Mrs. Frankie Bennett, 1815 Tenth avenue.  
Mrs. Georgia Gill, 1500 Tenth avenue.  
Mrs. Della Jackson, 690 East Sixth street.  
Miss Mildred McCabe, 797 Riverview avenue, Kansas City, Mo.  
Miss Vera Hendrick, 2891 Charlotte street.

democracy."

## Hughes' Letter Cited

as Encouraging View

barrangement  
Murphy v  
telephone c  
Lewis and C  
The telegr  
the arm  
preside  
the Wor  
m strike  
it is ex  
in conti  
request  
ties in  
bryler  
lined to  
station or

Be Sp  
Sa

STROIT.  
stam  
lms les  
omotive  
a Teada  
a Worker  
committ  
quons a  
shoe with  
I would  
I recalled  
evictio  
all factor  
United  
ident, t  
he of De

Martin we  
am meet  
in Car  
ht. He s  
monstrat  
tudent R  
mpaign.  
Martin sai  
ed if Co  
ult in vi  
mat. But  
tively th  
velopment  
and not be  
Commons a  
ential fac  
announcin  
to the n  
council  
meeting  
would  
ty. In y  
ent, it wa  
subgrant

Chicago P  
100 Fro  
CHICAGO

NATIONAL LABOR RELATIONS BOARD

CASE NO. 1382

EXHIBIT NO. 21

IN THE MATTER OF  
CASE 8-5-42 WINES

DANIEL W. ROSS, ORIGINAL PETITIONER  
BY *P. W. Ross*

*Danville*

KC Journal-Post - March 23, 1937

(Respondent's

given in official reports. The latest, issued last January, said only that aviation strength had increased in four years by 330 per cent, and tanks corps strength 700 per cent.

The most conservative estimates of foreign observers indicate that the Soviets possess 3,000 military airplanes, including 980 bombers of modern design and efficiency. They agree that "a number may be increased rapidly because the manufacturing plants are operating on a mass production basis. An American engineer who visited one large plant said Russia is equipped for the biggest mass production of any European nation.

#### MAKE GOOD PILOTS.

Although the efficiency of the American-model motors built in Russia under license is not quite as high as those built in the United States, their general efficiency when fighting in Spain has been one of the biggest surprises of the civil war there.

Particularly astonishing in Spain was the performance of fast aircraft

Mrs. Georgia O'Neil, 1505 Troost avenue.  
Mrs. Della Jackson, 684 East thirty-ninth street.  
Miss Mildred McCabe, 797 Riverview avenue, Kansas City, Kas.  
Miss Verne Hedrick, 2991 Charlotte street.  
Mrs. Stella LaFollier, 7941 W. Wend avenue.  
Mrs. Rachel Williamson, 1914 Ashland avenue.  
Mrs. Mary Johnson, 713 East Fifteenth street.  
Miss Lola Walters, 1316 Summit street.  
Mrs. Mary Deane, 1414 Madison avenue.  
Mrs. Gladys Knapp, 112 North Overton, Kansas City, Kas.  
Mrs. Rosalie Peck, 2000 Boston boulevard.  
Mrs. Irene Liggett, 2616 Van Horn road.  
Mrs. Bertha Peters, 1616 South Twenty-sixth street, Kansas City, Kas.  
Mrs. Valma Roseberry, 27 North Tenth street, Kansas City, Kas.  
Workers booked were:  
Mrs. Pearl Tighman, 3197 East Thirtieth street.  
Miss Tillie Geyer, 3001 Baltimore avenue.  
Mrs. Alvina Holstrom, 2615 Brooklyn avenue.  
Mrs. Ma Lavien, 1348 Topping avenue.  
Gernes appeared at the police station and furnished bond for the four workers.

#### NEW ROOMER STEALS

Pays \$2 Rent, Takes \$16.50

Clarke, justice from 1906 to 1910, said in an address Monday night the proposal is "plainly constitutional."

Clarke, who describes himself as a "Progressive with both feet on the ground," emphasized he was expressing no opinion as to the wisdom of the plan, but discussing only the "naked legal question."

The former justice, appointed by Woodrow Wilson, retired to San Diego to "read many books" and had made no public speech for seven years.

#### President Accused of Cracking Patrimony Whip

CHAPEL HILL, N. C., March 23. —(UP)—Sen. Rush D. Holt (D), West Virginia, Tuesday accused the administration of "cracking the party whip" and "starting the fires back home under those who disagree" with the president's proposals for judicial reorganization.

#### Chicago P. 100 From CHICAGO.

Police armed under a 75-year war Tuesday and evicted from three to four women from party station the Marmon company plus Logan depart

PROVIDED (UP)—Provoked opened for after a 1-day owners to a strike.

An agreement increases was active of own for industry. More than half the cit

nt's Exhibit 21.)

## BATTLE ROYAL IS RESUMED AT DOOR OF PLANT

Arrests Are Made in  
Garment Union Melee  
Here.

Violence flared anew Thursday in the strike of the International Garment Workers' union. The strikers and their sympathizers attempted to prevent non-strikers from entering the plants of the Gordon Brothers Manufacturing company, the Missouri Garment company and the Gernes Garment company at 2617 Grand avenue. A number of strikers and non-strikers were arrested when they engaged in hair pulling and punching melees, and one policeman, James Gildee, assigned to the Ninth street police station, was injured when he tried to separate the combatants at the Walnut street corner of the building. Gildee suffered a sprained ankle.

**Treated at General.**  
Mrs. Frankie Bennett, 27 years old, 1317 Troost avenue, suffered a lacerated arm and scratches. She was given emergency treatment at a general hospital.

Approximately 60 policemen were on duty when the workers began moving at the building to go to work. As each nonstriker appeared, a rush started in her direction and the police were kept busy trying to afford her protection. Many of the nonstrikers were separated from their companions and subjected to severe maulings.

**Increase in Violence.**  
W. C. Shepherd of the County Club police station, who was in charge of the police at the scene, said it appeared to him that fewer workers were attempting to enter the building, but that the violence attendant upon such attempts increased.

## MONTGOMERY WARD TO BUILD STORE IN K. C. K.

Store Structure to Go Up  
on Old Wyandotte  
Courthouse Site.

A new Montgomery Ward & Co. development on the site of the old Wyandotte county courthouse in Kansas City, Kas., at Seventh street and Minnesota avenue, was assured today, when the sale of the site was announced.

W. Perry, former Kansas City banker, was announced as the successful bidder for the site. His bid of \$180,000, submitted to the Wyandotte county board of commissioners.

Perry announced immediately that he was under contract to sell the site to Montgomery Ward & Co. for the erection of a retail store.

Perry submitted the only bid for the property.

**Get Bid for Jail Site.**  
The bid for the old jail site at the northeast corner of Seventh street and State avenue, in which the Security National bank, as trustee for a group of 10 business men, offered \$200,000, was not immediately accepted.

Perry's purchase of the courthouse site made effective at once, it was announced, a long-time lease which had been made by Montgomery Ward & Co., contingent on the sale. The lease contract was for 10 years, with a provision for an additional 5-year term.

The company, probably within the next 30 days, will start the construction of a 3-story concrete and steel building, the improvements to cost between \$350,000 and \$400,000. The building will be used as a retail store, and approximately 100 persons, the majority of them resi-

## ITALY SAYS WAR THE 'VOLUNTARY'

England Spurns  
Naval Blockade  
Urged by France

Move to Keep Supplies  
'Volunteers' From Spain  
Proposed.

**LONDON, March 23.**—France proposed a naval blockade of the Spanish coast Thursday. British authorities indicated their unwillingness to accept it.

The French suggestion was to transform the present naval observation patrol into a real blockade, under which the warships of Britain, France, Italy and Germany would search and turn back vessels suspected of carrying munitions to Spain.

British sources made it clear that the country does not wish to risk a war with Germany and Italy if nonintervention is effective.

The French suggestion was advanced as a possible measure to prevent the present ban on shipping "volunteers" and war supplies to Spain from proving ineffectual.

Earlier Yvon Delbos, French foreign minister, outlined the plan to Sir George Clerk, re-

K.C. Journal - Post - March 25, 1937

5-42  
B. Warren  
Dannett  
2

(Respondent)



increase in violence. W. C. Shepherd of the County Club police station, who was charge of the police at the scene, it appeared to him that fewer strikers were attempting to enter the building, but that the violence attendant upon such attempts had increased.

While the fights were occurring at the garment plants, strikers, non-strikers and sympathizers of both who were arrested Tuesday are preparing for their appearance in the South municipal court today in answer to charges of disturbing the peace.

Hearing on an application for an injunction, sought by the companies to prevent interference by strikers, was postponed Thursday because the strikers obtained a change of venue from the court of Judge H. Wright to that of Judge A. Brown. In Judge Brown's court probably late Thursday afternoon for the strikers to ask more time to prepare a defense.

## INQUIRY WIDENS

before the sit-downers who have held the plants for more than a fortnight:

1. Lewis, chairman of the committee for industrial organization, agreed to get the sit-downers out of the plants.

### To Continue Parleys

2. Chrysler pledged he would not attempt to resume production of automobiles or remove tools and machinery from the nine plants during subsequent negotiations.

3. Both parties agreed to continue their conferences on the issue of whether the UAW should be made the sole collective bargaining agency for all of Chrysler's employees.

Frankenstein read to the strikers the following letter from Governor Murphy, addressed to the United Automobile Workers:

"As you are aware, the conference arranged by me between Mr.

company, probably within the next 30 days, will start the construction of a 3-story concrete and building, the improvements to between \$350,000 and \$400,000. Building will be used as a residence, and approximately 100 persons, the majority of them resi-

Turn to Page 2, Column 1.

## KILLS THREE AND SELF

### South Boston Slayer Apparently Insane.

BOSTON, March 25. — (UP) — Four persons were killed in South Boston Thursday in what police described as a triple murder and suicide.

Police listed the victims as follows:

Dr. Charles E. Mackey, South Boston dentist and former Boston school committeeman.

Jeremiah Mackey, his brother, who was named by police as the slayer.

Paul Costa, chauffeur for Dr. Mackey.

nonintervention effective.

The French suggestion was advanced as a possible measure to present ban on shipping "voters" and war supplies to prove ineffective.

Earlier Yvon Delbos, French foreign minister, outlined the to Sir George Clerk, re British ambassador.

### Reports Cause Anxiety.

From this conference, and a conference between Delbos and German ambassador, came the from Paris that France was to ask for coercive action to Italian volunteers from Spain, coupled with the belief Italy send such volunteers in view reported severe defeat of Italian the Madrid front, caused anxiety.

But coupled with the em from Rome that any ers have been sent so far the international ban on volu was imposed February 20, the authoritative disclosure here a new French plan gave no agreement.

Under the present control

Turn to Page 2, Column

## THE KANSAS CITY TIMES, FRIDAY, MARCH 19, 1937

sprawling town. We crossed arashes, and up over a wild in chain which we had a view of civilization, and down, ckingly, to the bright blue sea e palm-lined, African-looking e of Alicante.

### A WILD CELEBRATION.

lane roared on toward Morocco, rattled into Alicante from the in a ramshackle bus. I am in the midst of a celebration asked the beautiful sea prom-and filled the streets with a crowd.

alts between the ages of twen-and twenty-six were being up, and they, their girls and amilies were celebrating their ent and the victory over Ital-gular troops on the Guadala-ront. Walking four abreast, nked, they were singing, shout-aying accordions and guitars. e boats in Alicante harbor packed with couples holding taking their last rides together, here, where long lines formed at of jammed recruiting stahe atmosphere was one of wild tion.

### NO SIGN OF CONFUSION.

along the coast to Valencia, we through celebrating crowds eminded me more of the old of ferias and fiestas than of It was only the convalescent ed, limping along in heavy, militia uniforms, who made em real.

meat especially, was being d at Alicante, but, in the small between, I saw butcher shops and meat being sold with no rmed outside. Our driver re-to get himself a good steak on y home. ing into Valencia in the dark h miles of orange groves in t smell of orange blossoms, a strong even through the t the road, made it seem to this sleep correspondent like a wed-But, even half asleep, watch-e lights cut through the dust, ew it wasn't an Italian wed-ney were celebrating.

## A QUIET DAY IN STRIKE

GARMENT WORKERS AND UNION MEMBERS CLASH ONLY ONCE.

Police Are on Guard as Women Hurry From Factories to Street Cars—Sitters Remain in Lobby.

Only one brief skirmish between striking members of the International Ladies' Garment Workers' Union and workers of the three garment companies occupying the building at 2617 Grand avenue marred the order maintained by police late yesterday.

With the entrance to the building closed for the second day by some fifty seated members of the union, workers left by a rear door on Walnut street when the plants closed at 4:30 o'clock. A detail of police escorted the women to the street car stop at Twenty-sixth street and Grand avenue.

Many of the workers who have refused to join the strike hurried from the door with heads lowered, as they passed the two placard-bearing pickets. Others laughed and joked with the pickets. A crowd of strikers on the east side of Walnut street shouted to the departing workers, urging them to join the strike.

### STRIKERS PURSUE THREE

The three companies against which the union is directing the strike are the Missouri Garment Company, occupying the second floor of the building; the Gernes Garment Company, Inc., on the third floor, and the Gordon, Brothers Manufacturing Company, on the fourth and fifth floors. The one outbreak between strikers and workers occurred shortly after 5

o'clock when Miss Waneta Armstrong, 908 Benton boulevard, 18-year-old employee of the Gordon Brothers plant, ran across Grand avenue to the northwest corner of the intersection, where there were no police guards. With her ran two companions.

A group of strikers hurried in pursuit. Overtaking Miss Armstrong, they beat her with handbags. One woman slapped the worker's face. She fell to the sidewalk, breaking her wristwatch. Police hurried to the scene and put five strikers in the patrol wagon.

"This makes me kinda mad," said Miss Armstrong.

The arrested strikers were taken to the Nineteenth street police station. They were released after questioning.

### SECOND NIGHT IN LOBBY.

As the last of the workers departed, the fifty women holding the front entrance to the building prepared for their second night in the drafty vestibule.

"We're really keeping house now," one of them explained. "We have a mop and a broom, plenty of cots and blankets. We're comfortable enough to stay here until the company owners are ready to talk terms."

As on the previous night, the union organization provided the evening meal. Two policemen were stationed near the entrance.

Miss Wave Tobin, business agent for the union, asserted that of 600 women employed by the three plants normally, fewer than 200 reported for work yesterday. The three company owners asserted only a few employees were not at work yesterday. Officers of the Missouri Garment Company said 90 per cent of the 270 employees were on duty. The Gordon plant reported only sixteen of the 300 women employed there were absent. A B Gernes said all except four of his 200 employees reported for work yesterday.

"Three of the four are on the sick

list," he said. "The fourth one, I suppose, is on strike."

Miss Tobin said the union had little quarrel with the Gernes plant.

"We are interested chiefly in the other two companies," she said.

part Freder was fi yester person 25,000. el es Fern

PH

KC. TIMES - March 19, 1937

52 10382

RECEIVED

RECEIVED

RECEIVED

RECEIVED

RECEIVED

RECEIVED

(Respondent's Exhibit 25.)

OTO PLAYS—FIRST RUN.

**TODAY!**  
it moves to the  
**NEWMAN**

PHOTO PLAYS—FIRST RUN.

PHOTO PLAYS—FIRST RUN.

**A SOCK SHOW from the WORD "GO"!**

**TODAY!**

IT'S GAY! IT'S GAGGY!  
IT'S GIGGLY! IT'S GRAND!  
—Check full of thrill-charged,  
lough-tendon moments... with  
plenty of time out for romance!





His Court



# WORK TO BE RAPID ON PLANT TO BREW MUEHLEBACH BEER

New Company Will Spend  
\$500,000 in Adding to  
Ice Plant.

Picture on Picture Page.

Construction of the \$500,000 additions which will convert the former plant of the Western Ice Service company into a new home for the reorganized George Muehlebach Brewing company, a pioneer Kansas City industry which dates back to 1880, will be started Monday.

Erection of the additional buildings necessary to change the ice manufacturing plant into a brewery will be rushed so that production of Kansas City's once-famous Muehlebach beer can be started

## Arbiter in Strike



Judge Douglas A. Brown (above) was arbiter Saturday in the dispute between three garment manufacturers and the International Ladies Garment Workers union. Judge Brown set a precedent in refusing an injunction to the companies against the union and offering to serve as arbitrator.

## JUDGE BROWN'S GARMENT TRUCE MOVE HITS SNAG

Continued from Page 1.

mentals about it upon which we should see if we are in agreement before we go any further.

Judge Brown then laid seven points of what he considered fundamentals in employer-employee relations. Both sides agreed that they accepted those fundamentals.

"Now since we all agree on this," said Judge Brown, "here is the sort of agreement I think both sides should accept."

Then Judge Proposed

## SERVICES SUNDAY FOR L. S. HAWKES, VICTIM OF SMOKE

Manufacturer of Cabinets  
Found Suffocated on  
Floor of Home.

Funeral services for LeGrande S. Hawkes, 42 years old, who died of suffocation from smoke Friday night at his home, 8802 the Paseo, will be held at 4 p. m. Sunday in the Freeman chapel, 700 second street and Baltimore avenue. Burial will be in Logan, Utah.

Mrs. Hawkes Saturday was at the home of William F. Burgmeier, 644 the Paseo, where she spent the night following the tragic death of her husband. Mr. Hawkes' relatives are in Boise, Id.

Mr. Hawkes was found unconscious on the floor in the living room of his home about 8 p. m. Friday when firemen arrived in response to an alarm sent in by neighbors who detected smoke seeping through the walls.

Indications in the Hawkes' home after the fire was quenched, were that Mr. Hawkes had fallen asleep in a chair while smoking and that the cigaret had ignited the upholstery of the chair.

The chair was in flames and the fire had eaten through the floor into the basement. Mr. Hawkes was prone on the floor, his face burned from the fall. He appeared to have been partly aroused by the heat and smoke, but too much choked to fight his way to safety. Mr. Hawkes, 42 years old, was owner of the Hawkes Manufacturing company, 1823 Main street, which made and marketed a special type of filing cabinet. He came to Kansas City in 1924 with his product and located here to manufacture and sell it in the Middle West after several years in the East.

Mr. Hawkes, who was born in Boise, Ida., was in New York City from 1914 to 1917, inclusive, as clerk and missionary for the Mormon church, in which he was reared.

After coming to Kansas City he forsook the Mormon faith and affiliated with the Rev. Dr. L. E. Birkhead's Liberal center in 1924. Surviving are his widow Mrs.

fer Daintily  
r Easter Para

Dresses Will F  
eaders Never  
r Furs.

nd Saturday gave a dress  
some of the beauties will

YNAL-POST.-March 27, 1937.

23

Dannely  
R. Reed

B. Warren

1382

142

r Furs.

ed Saturday gave a dress

some of the beauties will  
ed hats. And film stars

## UNGE OF AUTO I 'DEATH VALLEY' COSTS TWO LI

Continued from Page 1.

Glosson and District De-  
five were on their way  
to attend a baseball  
game the St. Louis Brown  
Cleveland Indians. James  
was a member of the  
legation and at the time  
aged to wed Miss Sullivan

All in Same Manner.

of the accidents occur  
same manner, the cars

on eastbound and going off the  
onto the shoulder at the right  
of the road, then careening to  
left side and on down a 50-foot  
to the railroad tracks below.  
ing against the bridge railings,  
highway department has made  
npts to improve the road at  
th valley.

gil H. Edwards, credit mana-  
of the Sinclair Refining com-  
in Kansas City, was summoned  
boonville in an attempt to pos-  
identify the victims in Sat-  
r's wreck. Leonard was em-  
in the credit department of  
company. His address listed  
the company was 619 West  
eenth street, where he had not  
ned Friday night. He was a  
ber of the Connie Burns post  
a American Legion.

nard's mother formerly lived  
ansas City. She now lives in  
iton, Ia., with her daughter,  
Mae Reid.

erton Trice, Rochepert, saw the  
ced automobile from the high-  
st about 7 a. m. and he re-  
authorities in Boonville, who  
rn called Howard county of

body of the man identified  
onard was thrown clear of the  
car. The other man's body  
crumpled under the steering

and director and brewmaster of the  
local plant.

Also participating in the reorgani-  
zation are Andres Soriano, Manila  
capitalist, and a group of his asso-  
ciates. Two of them, Niels Nyborg  
and Martin H. Ruppel, flew to the  
United States on the China Clipper  
a month ago and came to Kansas  
City to collaborate in the engineer-  
ing and financial phases of the deal.  
Sales Concentration.

It was through Mr. Sund that the  
Manila interests came into the Kan-  
sas City enterprise. During the  
years of prohibition Mr. Sund was  
in Manila as general superintendent  
of a brewery and cold storage  
plant owned by Mr. Soriano.

According to Mr. Drum, there  
will be no public offering of secur-  
ities by the new company. The  
capital stock, 50,000 shares of no-  
par value, already has been sub-  
scribed by the Muehlebach estate,  
the Omaha brewery group and the  
Manila interests.

When the new brewery begins  
operation it will employ from 175  
to 200 men, depending upon the  
season. Principal sales effort will  
be concentrated in the Kansas City  
area, where the Muehlebach crews  
formerly were so popular.

NAME ART WINNERS

tions. Both sides agreed that they  
accepted those fundamentals.

"Now since we all agree on this,"  
said Judge Brown, "here is the sort  
of agreement I think both sides  
should accept."

Then Reads Proposal.

Judge Brown then read his sug-  
gested agreement. His second point,  
however, that providing that the  
union should represent its members  
only, brought protests from Ayl-  
ward, Russell and Perstein.

The union representatives pro-  
tested that while such agreements  
were all right in theory, they did not  
work out in practice and that the  
closed shop was the only answer.

Judge Brown declined to amend  
his proposal.

"No court," he said, "can approve  
a closed shop agreement and be fair  
to all concerned."

Upon completion of the reading  
of the proposed agreement, White  
said all three companies were ready  
immediately to sign. Aylward and  
Russell said the matter would have  
to be submitted to the strikers.

Other points in the proposed  
agreement included reinstatement  
of any employees discharged for  
union activity, no strikes until  
points of disagreement were fully  
discussed by employer and union,  
no violence, intimidation or inter-  
fering with business in case of  
strike and no intimidation of em-  
ployees by either union or em-  
ployers.

Actain Sets Precedent.

The conference was arranged  
Friday when Judge Brown set a  
precedent in labor troubles in re-  
fusing to grant an injunction sought  
by the three companies to prevent  
interference by strikers and offered  
to act as arbitrator in the settle-  
ment of the differences. Coincident  
with that hearing Friday 41 strikers  
and 16 non-strikers were discharged  
in South municipal court when they  
were called before Judge James H.  
Anderson on charges of disturbing  
the peace in connection with dis-  
turbances at the factories.

The scene at the building housing  
the three factories was far differ-  
ent Saturday morning than in the  
last 10 days when 60 policemen as-  
signed to the strike were unable to  
keep order and fights between  
strikers and nonstrikers were thick  
and fast. Saturday morning things  
were peaceful. Only three pickets  
walked up and down in the swirling  
snow in front of the doors.

PAGEANT TO FEATURE  
SERVICE IN CEMETERY

Memorial services at Floral Hills

and missionary for the Mormon  
church, in which he was reared.

After coming to Kansas City he  
forsook the Mormon faith and af-  
filiated with the Rev. Dr. L. E.  
Birkhead's Liberal center in 1888.

Surviving are his widow, Mrs.  
Marjorie Hawkes, to whom he was  
married in Texas in 1922; three  
brothers, Percy Hawkes, Roy  
Hawkes and Walter Hawkes, born  
and two sisters, Mrs. Effie Brown  
and Mrs. Elsie Gunnell, Logan,  
Utah, where the body probably will  
be taken for burial.

Employ a little of your time each  
evening reading Journal-Post Want  
Ads. Dividends will come to you  
through savings made on those you  
answer.

Kansas City's Foremost  
Household Cleaners and  
Refinishers

Pickup & Delivery Service  
CALL VA. 100

**HOME** Reg & Carpet  
Cleaning Co.  
MAIN PLANT—MYN & FOREST  
BRANCH OFFICE—4TH & BOONVILLE

**Smith's Shoe Shop**  
Sells 50% off

**Dentists**

Dr. T. L. Barnidge  
Dr. L. C. Gartin

8:30 A. M. TO 8:00 P. M.  
NOT OPEN ON SUNDAY.

1017 Walnut St.

OVER JACCARD'S JEWELRY STORE

2ND FLOOR, NORTH OF  
EMERY, BIRD, THAYER & CO.

Victor 1815

**MORE CREDIT**  
you need it

LA BOHEME  
PASSEOVER WINE

(Respondent's Exhibit 23.)



bone d.  
a more  
which it is  
perance can b  
cessfully.

Legalization of  
and of controversy  
going on ever since  
1833, legalized 23 beer  
return of beer. Just before the  
linal prohibition amendment  
repealed, brought a widespread  
sire for beer. The Kansas  
became so insistent upon  
their beer, the barriers of  
dry enactments failed to det

Justice Returns to Convicted

Beer came into Kansas from  
directions to be sold and drunk  
openly. Vainly the ultra dry  
to stop it. But when the beer  
were arrested, justice returned to  
vict. An appeal was made to  
supreme court. That tribunal  
it was entirely up to the jury  
whether beer was intoxic

Kansas amendment became  
changed the legislature finally  
witted to the people a propos  
take the prohibition amendment  
of the state constitution. That  
one of the big issues in the  
paign of 1904.

The prohibitionists became  
adroit. They would lose all  
prohibition machinery, they  
vined the people they were  
trying to stop the drinking of  
in Kansas but merely were  
to prevent a return of the sale  
Vote to Keep Amendment.

The people voted to retain  
prohibition amendment by  
50,000 votes. But the ultra-drys  
Immediately went back on their p  
to oppose the sale of beer.  
tried to get the 1935 legislatur  
outlaw beer. They failed when  
Claude C. Bradney of Color  
tied up their bill in a confer  
on the last day of the 1935 leg  
tive session.

Then beer dealers began to  
beer of a greater strength than  
and the juries again refused to  
vict. Beer selling became a  
business in the state, but t  
were no state regulations and  
state was receiving no reve  
from the sale.

Urges "Rule of Reason."

Again in the 1936 campaign  
became a major issue, and Ge  
nor Huxman took the stand  
something must be done to cre  
tolerable conditions. In his  
age to the legislature in Jan  
he repeated his assertion that  
thing must be done and called  
the legislature to apply the re  
reason to the beer question.

The house of representatives

to take up the Easter serv  
the Chr  
will  
of  
Church.  
Easter songs  
any churches.  
sermons will be  
pastors at Protestant  
with special Easter music  
Easter Sunday masses  
celebrated at all Catholic

of the cathedral, will ser  
The "Easter Eas  
point of anu  
numbers in at  
tendance will be at the Municipal  
auditorium where Dr. Burris A.  
Jenkins, pastor of the Community  
church, will have charge of the an  
Turn to Page 1, Column 1.

## JUDGE BROWN'S GARMENT TRUCE MOVE HITS SNAG

### Union Leaders Seek Right to Bargain for All Employees.

Judge Darius A. Brown's efforts  
to compromise, a garment union  
strike rather than issue an injunction  
against mass picketing struck a snag  
Saturday when union leaders ob  
jected to his proposal that it be re  
cognized as the sole collective bar  
gaining agency for its members only.  
The leaders insisted that it be re  
cognized as the bargaining agency  
for all employees.

Attorneys for the three garment  
companies said Judge Brown's pro  
posal was satisfactory. Meyer Perl  
stein, St. Louis, district director for  
the Ladies' Garment Workers'  
union, who voiced the objection,  
said he would submit the proposal  
to the strikers.

He will report back Monday  
morning, when Judge Brown is  
scheduled to take up the companies'  
application for an injunction.

"No" to Closed Shop.  
Judge Brown declined to approve  
a closed shop agreement, on which  
the union insisted, on the ground  
that it would be unfair to employes  
not members of the union.

At the conference, beginning at 11  
a. m., were Milton Gordon, presi  
dent of Gordon Bros. Manufactory  
company; A. B. Gernes, presi  
dent of Gernes Garment company,  
and Sidney M. Feinberg, president  
of the Missouri Garment company.  
Harry L. Thomas, Paul T. White  
and Ira B. Burns, their attorneys.  
Miss W. E. Tobin, business agent of  
the union, Frank W. Aylward and  
Ralph Russell, union attorneys,  
Judge Brown and Perlstein.

Agree on Fundamentals.  
The only purpose of the court,  
Judge Brown said in opening his

was 5 feet 11 inches tall, had black  
hair and blue eyes. The coroner  
said he was checking on a man  
whose last name was given him as  
"Mischler," believed to be Leonard's  
roommate, on the theory the two  
were together when the accident  
occurred.

The men were in a 1935 Plymouth.  
It bore Kansas Motor plates 1-1000  
and was a four-door sedan.

The car was demolished and the  
bodies of the men mangled.

The car which figured in Satur  
day's accident went out of control at  
the same spot where on April  
14, 1934, Dr. Harry S. Lane, 59-year  
old Kansas City physician, and  
operator of the Fairmount maternity  
hospital, and Charles S. Thompson,  
retired Texas real estate man,  
plunged to their deaths in Lane's  
motor car.

Five Others Injured.

It was at the same place where  
on April 17, three days after Dr.  
Lane's car took its fatal plunge, that  
three men and two young women  
from Kansas City were injured  
when the car in which they were  
riding became uncontrollable and  
crashed against the abutment and  
concrete railing of the viaduct over  
the Katy railroad tracks.

Those injured in this accident in  
cluded Miss Margaret Sullivan, for  
merly employed by the Journal-Post,  
now Mrs. James Gleason; James J.  
Kirk, Miss Florence Kirk, Matthew

Turn to Page 2, Column 1.

## NOOSE FOR NEGRO

### G. A. Allen Sentenced to Be Hanged April 30.

Granville A. Allen, Negro, 25  
years old, Saturday was sentenced  
by Judge Brown Harris to be  
hanged April 30 for the murder of  
Howard Preston, 45, who was killed  
by Allen in his home at 1010 Chest  
nut avenue, October 20, 1936.

Judge Harris set the date for the  
hanging after he had overruled  
Allen's motion for a new trial. At  
torneys for Allen indicated they  
would appeal to the state supreme  
court, an action which automati  
cally would stay the hanging until  
the case has been passed on by the  
higher court.

Allen was found guilty by a jury  
in Judge Harris' court March 18.

Testimony was that he had en  
tered the Preston home to rob.  
Preston heard him in the apart  
ment and engaged in a scuffle with  
the intruder. In the scuffle, the  
Negro's gun was discharged, the  
bullet striking Preston and killing  
him. As Allen fled from the apart

K. C. Journal-Post - March 27, 1937

6-5-42  
D. J. 382  
B. 210  
R. 200  
D. 23

(Respondent's Exh



(Continued on Third Page)



## INJUNCTION STOPS HAIR PULLING IN GARMENT STRIKE

### Workers in Taxicabs Find Way to Factories Unmolested.

Workers at three garment factories at 2617 Grand avenue went to work peacefully Wednesday morning under protection of an injunction against violence by striking members of the International Ladies Garment Workers union.

It was the first morning in two weeks those not on strike did not have to dodge through lines of police striving to hold back struggling groups of strikers bent on pulling hair, snatching hats and coats and getting in a blow here and there.

The injunction against violence on the part of the strikers or interference with the operation of the three companies, issued Tuesday by Judge Darius A. Brown in circuit court, was read to more than a score of strike pickets by deputy sheriffs Wednesday morning. The pickets contented themselves with walking up and down in pairs in front of the Walnut street entrance of the building as nonstrikers were taken to the plants in taxicabs.

#### Compromise Fails.

Judge Brown issued the injunction after his efforts had failed to bring the managements of the three concerns—the Gernes Garment company, Gordon Brothers Manufacturing company and Missouri Garment company—and representatives of the union into agreement. The union rejected Judge Brown's proposed agreement because it provided that the union be recognized as the sole bargaining agency for its own members instead of for all employees as the union demanded.

Floyd Gibson, chief deputy, and Harry Skinner, Matt Schinnick, Jr. and John A. Deming, deputy sheriffs, appeared at the plants at 7:30 a. m. and read the injunction.

## P. J. ARNOLD SERVICES

### Loan Association Executive Heart Attack Victim.

Funeral services for Paul John Arnold, 50 years secretary-treasurer of the Bankers' Savings & Loan association, were to be held at 3:30 p. m. Wednesday in the New-corner chapel, Brush Creek boulevard and the Paseo. Burial was to be in Mount Moriah cemetery.

Mr. Arnold died unexpectedly of a heart attack Sunday night at his home, 3231 Prospect avenue.

The active pallbearers:

Karl H. Rotts Lester Parker  
Willis Herbe George Parada  
Harry Ho

Howa  
Herm  
Fred  
Willis  
J. E.  
Judge  
Dr. C  
bel  
Charl  
Char  
Willi  
Over  
Edw  
C. V.  
Willi  
John  
Josh  
Dr. I  
Dr. I  
A. J.  
Gers  
Wm  
R. C.  
C. A.

K.C. Journal-Post - March 31, 1937

24  
Dunnally  
Read  
8-5-42  
WHEAT  
DANIEL A. ROSS, CHAIRMAN  
BY B. Warren

## MISSOURI HOUSE PERFECTS ITS JOB INSURANCE BILL

### Employers' Reserve Plan Stays as Pool Proposal Is Rejected.

By WALTER G. HEREN

Journal-Post Jefferson City Bureau  
JEFFERSON CITY, March 31.—

Unemployment compensation re was perfected and ordered as amended by the house of representatives Wednesday.

Proponents of the employers' reserve plan succeeded in fending off attempts to substitute the pool type of plan and indications the bill would go to the senate as it came from the house security committee.

Only minor amendments were made on the bill in the house. Salaries of members of the unemployment compensation commission of which will administer the fund were reduced by one amendment from \$7,500 to \$5,000, while salaries of divisions under the commission were cut from \$4,800 to \$3,000 a year.

The house defeated an amendment setting aside 40 per cent of all employer contributions as a pooled fund.

Under it the employee first would have drawn upon the employer's reserve fund of his individual employer and if that fund was exhausted he still could get his share from the pool fund set up by amendment.

#### K. C. Group Opposes Hess.

The attempt to substitute the pool plan for the employer's individual reserve system, was sponsored by Rep. David Hess, St. Louis, said that union labor was against the employers' reserve system because its leaders felt that it would afford adequate protection for

will  
them  
exc  
one  
pro  
whi  
Full  
wer  
BA

Tr  
will  
Hote  
ling.  
day.  
form  
men  
ment  
tere  
curs

Floyd Gibson, chief deputy, and Harry Skinner, Matt Schinnick, Jr., and John A. Deming, deputy sheriffs, appeared at the plants at 7:30 a. m. and read the injunction twice at both the rear and front doors. The injunction bore the names of 165 defendants, but it was said there were many duplications of names.

There were but a handful of policemen, compared with previous days, on duty at the plants Wednesday morning and they were getting a rest from the arduous task of holding back the determined groups of strikers who have attempted to prevent employees entering the plants the last three weeks.

#### To Try Legally.

Miss Wave Tobin, business agent of the International Ladies Garment Workers union, said the pickets would obey the injunction but would continue by peaceful means to try to persuade nonstrikers to join the union and leave work until the three garment companies sign union agreements.

"I have worked on nine successful strikes here," she said, "and in seven of them we have been under injunction."

Throughout the strike managements of the garment strikes have asserted that but few of their employees were members of the union and on strike. On the other hand, union officials have claimed a majority of employees as union members and on strike.

Five other garment manufacturing plants here have signed union agreements recently.

#### Picket Line Thins at Butler Plant

There was no indication of violence at the Butler Manufacturing company, 7400 East Thirteenth street, Wednesday. The picket lines of the strikers were considerably thinner and there were fewer police around the plant.

Only a few executives and department heads were permitted to enter the plant.

Delegates of the CIO and the American Federation of Labor, who formed committees to aid the strikers, announced Tuesday night that a weekly contribution of \$1,000 has been pledged to aid the strikers.

Officials of the company did not comment Wednesday concerning the possibility of early negotiations for a settlement.

SPY SCARE PASSES.

K.C.

employers' reserve system use its leaders felt that it would afford adequate protection for employees and would encourage formation of company unions. The final vote on the Hess amendment was 45 for and 65 against the change in form of the bill. All the St. Louis City representatives present, except Rep. Edgar J. Keating, voted against the Hess amendment. Keating supported it. All the St. Louis representatives, except Rep. O. E. Schick, voted for the Hess amendment.

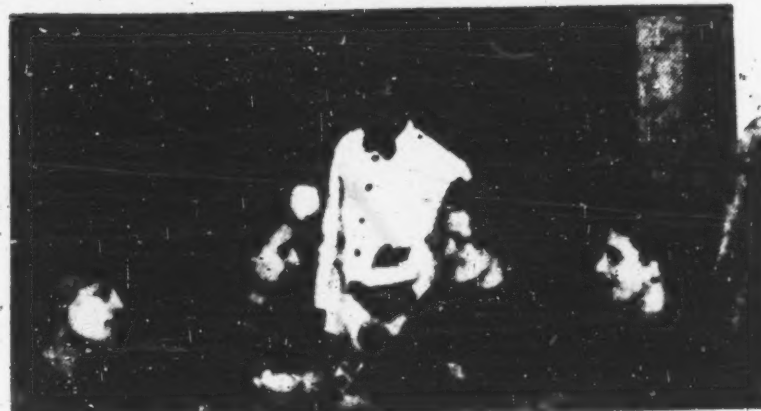
#### Bill to Regulate Companies Is Reported

JEFFERSON CITY, March 31. —

(P)—The senate Wednesday perfected for final passage the bill by Sen. Albert M. Clark, Richmond, personal property and \$2,000 in real estate.

# "We'll say

These charming St. Louis dolls, Miss Miriam Wi 4342 Westminister Place, and Miss Jane Miller, Maryland Avenue, could never agree on cigarettes Old Gold's one-week trial offer. Today they are one in saying "O. Gs. are the finest cigarettes we have ever smoked."



(Respondent's Exhibit 24.)

# A TREAT TO ALL

OF ENTERTAINMENT  
IN BIG SHOW.

and Bobby Clark Top  
Artfully Combines  
Sparkling Fun  
and Dancing.

Engel presents the  
of 1937. A review in  
by Mrs. G. P. H. in  
a Duke. Directed by  
L. K. and co-  
to Minnie. Directed by  
Orchestra directed by

cludes: Paulie Price,  
Ippay Row Lee, Jane  
Wright and Alex Fisher,  
a Primmer, Stan Kavalier,  
Hugh C. Cameron,  
James Farrell and Ben  
gh.

useful and funny, the  
in its current edi-  
night in the music  
Principal Auditorium to  
applauded the pro-  
and enjoyed the vari-  
ament.

able Price and Bobby  
pair of favorite fun-  
nies offer close behind  
uple Gypsy Rose Lee,  
lease," Jane Pickens,  
Cherry and June  
daryn Lawler, tap  
he best; Ruth Harri-  
shah, ballroom spe-  
n Kavanagh, juggler  
The result is a per-  
tainly has some clip-  
s everyone.

on Hollywood.

not scene, possibly is  
one to Hollywood, a  
antic of an on/en-  
ovie hit. "The Ga-  
d as a "super-super"  
is a devastating pic-  
is superlatives with  
May world has to de-  
common release, and

## They Miss the Bad Along With the Good

BY IRVIN S. COHEN.

SANTA MONICA, CAL., March 22.—  
Colonel Rasmussen is fixing to  
explore uncharted regions in re-  
mote Alaska, where he asserts  
there exists a race of aborigines  
who have had absolutely no con-  
tact with the outside world for 500  
years.

Think of all the things those  
people have missed—and pity  
them! And then think of some of  
the things they've missed—and  
envy them!

Copyright, 1937, by the North Ameri-  
can Newspaper Alliance (The Kansas  
City Star and other newspapers).

## STRIKE CALL WAITS

(Continued from First Page.)

cago. Dresses were torn from several  
women in a clothing shop contro-  
versy. Another taxi was burned in  
the 18-day-old drivers' strike. The  
move operating came from the  
to forestall fresh outbreaks. Two  
hundred officers were held at the  
central station and seventy-five at  
disorder.

Governor A. R. Chandler of Ken-  
tucky and Mayor Neville Miller of  
Louisville joined the opposition to sit-  
down tactics. In a joint statement  
they termed sit-down strikes unlaw-  
ful and urged workers to refrain from  
taking part in them.

In Chicago the state's attorney's of-  
fice and the municipal court joined  
police in an attempt to discourage  
sit-down demonstrations. A 75-year-  
old statute was revived to protect  
property of employers and under it  
warrants were issued for the arrest of  
strike leaders.

## SUE TO QUIET STRIKERS

INJUNCTION AGAINST GARMENT  
UNION ASKED BY 3 COMPANIES.

Fists Will Fly at 2617 Grand, and  
Women Locked in Patrol Wagon  
After Others are Released  
After Workers Depart.

Three garment companies occupying  
the Shukert building at 2617 Grand  
avenue yesterday afternoon applied  
for an injunction against the Interna-  
tional Ladies' Garment Workers'  
Union and forty-five members who  
are conducting a strike against them.

Judge Emory H. Wright set a hear-  
ing at 2 o'clock tomorrow. The appli-  
cation asked that the court order pro-  
hibit the women from occupying the  
premises or interfering with the com-  
pany's operations.

The injunction was sought by the  
Gernes Garment Company, the Mis-  
souri Garment Company, and the  
Gordon Brothers' Manufacturing Com-  
pany after a skirmish yesterday morn-  
ing, in which Hyman Gordon, head of  
the Gordon Brothers' plant, was  
struck by the women strikers as he  
entered the building.

RUSH POLICE LINES.

The demonstrators yesterday after-  
noon attempted to surge through the  
police lines every time a group of  
workers was let out a rear door of  
the building. Grinning, police shoved  
them back, but there were flurries of  
fists and hair-pulling.

After each attack, Sergt. W. D.  
Tays shoved one or two women into  
a patrol wagon standing by the door.  
Those in the patrol wagon cheered  
the demonstrators. After the plant  
had closed Sergeant Tays released  
the women.

Several hundred men from nearby  
offices and shops gathered across the

## THE KANSAS CITY TIMES, TUESDAY

and he had received in an encounter  
yesterday morning.

INJUNCTION HEARING TODAY.

Attorneys for Butler Strikers Are  
Given Time to Prepare Case.

The hearing of an injunction ap-  
plication sought by the Butler Manu-  
facturing Company, 7400 East Thir-  
teenth street, to oust sit-down strikers  
from the plant was postponed yester-  
day afternoon until 9 o'clock this  
morning by Judge Emory H. Wright,  
after attorneys for the strikers said  
they just had been retained and had  
not had time to prepare their case.

South, contain  
arms, waiting  
arguments on  
convince them  
ing pursued  
court opinions

## COURT BL

Wallace Says  
Aunt

(By the)

RICHMOND, Ky., March 22.—  
tary Wallace  
bureau tonight  
of the supreme  
of the House  
erect "necessa-  
sture, labor  
Wallace said  
rems court  
ary proposed  
rovided a  
ractical" met  
us for nation  
Wallace said  
ere "in accor-  
even in the I  
which the Fre  
members of co  
That plait  
remained to  
those probi  
ity and b  
stitution.  
are the cor-  
et and cap  
tely."

Wallace said  
the supreme  
tution as so  
they did not  
d gradually  
anted by the  
The secreta  
supreme court  
lated the agri-  
"By this rule  
million dollars

K.C. Times-

U352

8-5-42

DATE: W. ROSS, CHIEF

(Re



May world has to de-  
monstrate release, and  
makers of all "trail-  
er heads in shame.  
males' Night," in

Mr. Clark, Miss Lee,  
Yost and Mr. Kava-  
presented him beyond  
Mr. Brown and other  
representational radio  
the Roosevelt adminis-  
tration going over in "Of  
in which Mr. Clark,  
Cameron and Wil-  
son give their ideas  
on they are, too, of  
Washington.

as to come.

Mr. number of Miss  
such of Kansas City  
going a more than  
t. signs, frankly, a  
live girl calmly re-  
sistance of her apparel  
philosophically of the  
and stimuli of a  
a profession. Miss  
stiff, her pose per-  
a possible room for  
contribution to the  
leader to a greater  
a seen on many a  
last several years.

has been mentioned  
ings in the "Follies."  
a notice in the mal-  
Blue." "Is in the

STRIKE LEADERS.

## PROVIDENCE STRIKE ENDS.

Workers Accept Wage Hike and  
Recognition of C. I. O.

(By the Associated Press)

PROVIDENCE, R. I., March 22—(Tues-  
day).—A city-wide, 1-day strike  
against Providence retail stores ended  
early today when workers accepted a  
proffered agreement of store owners  
granting wage increases and recogni-  
tion of the committee for industrial  
organization as a bargaining agency.

Joseph Sylvia, state chairman for  
the C. I. O., announced ratification  
at a meeting of strikers, shortly after  
the agreement was presented to them.

## WIFE SUES MICHAEL CUDAHY.

Divorce Action After Dissolution of  
Separate Maintenance Suit.

LOS ANGELES, March 22—Michael  
Cudahy, of the Chicago meat packing  
family, was sued for divorce today by  
his wife Mary, screen dancer known  
as Jacklyn Ruth. Mrs. Cudahy's suit  
for separate maintenance was dis-  
missed last week.

THE WOMEN.

Several hundred men from nearby  
offices and shops gathered across the  
street and applauded the sparring  
matches.

Twice in the demonstration paper  
bags full of water were dropped from  
upper floors of the besieged building,  
striking no one.

## AGAINST THREE COMPANIES.

Miss Wave Tobin, manager of the  
International Ladies' Garment Work-  
ers' Union No. 118, said that a state-  
ment attributed to her yesterday that  
the union was not attempting to keep  
employees of the Gernes Garment  
Company from working was not true.  
The strike is against all three com-  
panies in the building, she said.

Cheers rose from the forty-five  
strikers as Miss Tobin announced  
that four men pattern cutters in the  
Gordon company had joined the union  
earlier yesterday. They cheered also  
when taxicab drivers were dissuaded  
by union members from waiting to  
transport non-union workers to their  
homes.

James O'Neil, 1224 Ewing avenue,  
one of the policemen on strike duty,  
appeared at his post yesterday after-  
noon with a discolored eye, which he

ORIGINAL TO BE  
Carmelley  
Rosa  
26

MARCH 23, 1937

(Respondent's Exhibit 26.)

blouse  
or K

green. Also dainty nets  
linens.

Pique Fronts with "different"  
tailored details. White, Drea  
blue, aqua or maize.

4149

Join the Easter Parade in



# THE KANSAS CITY

KANSAS CITY, MARCH 17, 1937—WEDNESDAY—26 PAGE

s's Voting 10 to 1 for  
evett's Court Plan.

(The Associated Press.)

ST. GA. March 17.—  
County citizens voted  
in favor of President's  
federal court rec-  
plans in early returns  
the first ballot box  
program.

The Pres. J. S. Shar-  
wood the vote, which  
standing was: For  
200, against 20.

Officials included on  
for a tax collectorship  
question of "for" or  
the presidential pro-  
whole.

W. E. Taylor said to-  
day group was back of  
several "folks around  
ago just got together"  
had to elect a tax  
might as well vote  
question.

## CHAMBRUN IS SHOT.

Wounds Former French  
Ambassador to Italy.

(The Associated Press.)

March 17.—Count Charles de  
former French ambassador  
shot today by a woman  
d a train for Brussels.  
who was born in the  
at Washington in 1875  
descendant of Lafayette.  
in the thigh.

Police said, was a  
man.  
The count's wound was

## CLINE IS HALTED.

gains Part of Losses  
for Some.

(The Associated Press.)

March 17.—Buying sup-

## SITTERS BLOCK A DOOR

UNION WOMEN FAIL, HOWEVER, IN  
EFFORT TO STOP WORKERS.

Small Group Fills Building En-  
trance Through Which 800 Gar-  
ment Employees Pass—An-  
other Doorway Used.

A threatened strike at the three gar-  
ment companies occupying four floors  
of the Shubert 3617 Grand building  
today turned the 3600 block on Grand  
avenue into a seething mass of more  
than 800 women workers as union  
members blocked the entrance to the  
building by sitting down on the floor  
just inside the entrance.

The workers are employed by the  
Missouri Garment Company, occupy-  
ing the second floor; the Gernes Gar-  
ment Company, Inc., third floor, and  
the Gordon Brothers Manufacturing  
Company, occupying the fourth and  
fifth floors of the building.

### THROUGH ANOTHER DOOR.

One young woman paraded in  
front of the building bearing a sign  
calling for a strike in the three gar-  
ment plants, demanding an end to  
"starvation wages," and bearing the  
name of the International Ladies'  
Garment Workers' Union, No. 118.  
Less than two hours after the work-  
ers were blocked from their work,  
they entered the building through an  
east door, while union members con-  
tinued to sit in the hallway of the  
main entrance, and others loitered  
on the sidewalk.

Police officers were rushed to duty  
outside the building. A patrol wagon  
stood near by ready to house any  
troublemakers, but no arrests were  
made.

H. Gordon, president, who with  
Milton Gordon, vice-president, op-

## THE WEATHER—SHOWERS PROBABLE.

12 midnight	38	9 a. m.	41
1 a. m.	37	10 a. m.	42
2 a. m.	36	11 a. m.	43
3 a. m.	36	12 noon	44
4 a. m.	36	1 p. m.	50
5 a. m.	36	2 p. m.	52
6 a. m.	36	3 p. m.	54
7 a. m.	36	4 p. m.	55
8 a. m.	39		

\*Unofficial.

The Forecast—Kansas City and  
Vicinity: Mostly cloudy tonight  
and Thursday with occasional  
showers probable; somewhat cold-  
er Thursday.

Relative humidity, noon, 34 per cent.  
Wind velocity, noon, 14 miles from the  
south.

Wind velocity 7 a. m. 8 miles from  
the southeast.

River stage today, 7 a. m., 8.8 feet;  
rise of 3 feet.

Precipitation in twenty-four hours  
ending 7 a. m., none.

Lake of the Ozarks, 7 a. m., 4 feet  
below full reservoir.

(Government forecast for grain area  
on market page.)

## THE ROOSEVELTS WEDDING DAY

Anniversary Finds Them Far  
Apart—Exchange Greetings.

(By the Associated Press.)

WASH. D. C., March 17.—The  
thirty-second anniversary of their  
wedding found President and Mrs.  
Roosevelt 1,000 miles apart today, but  
an exchange of greetings recalled to  
them that memorable St. Patrick's  
Day in New York City when Uncle  
"Teddy" gave Anna Eleanor Roose-  
velt away to her sixth cousin.

Instead of a family dinner at the  
White House in Washington, the cus-  
tomary celebration since he became  
chief executive, the President ar-  
ranged another day of relaxation at  
his vacation cottage here. Mrs.  
Roosevelt was in Oklahoma on a lec-  
ture tour. She may join the Presi-  
dent here after speaking at Birming-  
ham March 23.

## O. K. DOHERTY SETTLEMENT.

Stockholders Accept Restitution to  
the Company.

(By the Associated Press.)

WASH., D. C., March 17.—Stockhold-  
ers of the Cities Service Company yester-  
day approved the offer of Henry L.  
Doherty to settle for 1½ million dol-  
lars 20-million-dollar stockholders'  
suits against the company, its  
officers, Doherty and others, dis-  
missing various acts of misman-  
agement. The suit was originally  
filed in 1933 by Norman C. Norman  
and other stockholders owning a  
total of 840 shares at that time.

Doherty's offer to settle for 1½ mil-  
lions, or at his option not less  
than 1½ million shares of common  
stock of the company, was revealed  
in a motion for adjournment of  
the suit was made before Federal  
Judge Clancy in New York early in  
February this year.

Doherty's action was taken subject  
to approval of Judge Clancy, and  
Judge R. O'Reilly appointed a special  
master in the case to observe and re-  
port on the proceedings.

Stockholders also approved retire-

## MAY C

Consideration  
of Court  
Views

## M'REYNO

Criticism of  
Is Term  
and

## CRITIC OF

Princeton  
validation

(By the Associated Press.)

WASHINGTON  
McReynolds  
complain of  
actions revived  
preme court  
on President  
ganization p

Such a p  
before Prof.  
Princeton to  
committee of  
court jur  
supreme obli  
Constitution  
written for

Justice Mc  
made last  
which he as  
sportsman  
had a chance  
a fair tribu  
and accept  
Senator B  
crat, an out

IN

A

P

7

A

vis

I

blo

Pad

on

O

enai

gres

spin

conf

uncl

DATE 5-5-42

IN THE NAME OF

RECEIVED

NOV 28 1942

NATIONAL L

K.C. Sta

BY DANIEL

## WILL BE CLOUDY.

Probable and Day to Be  
Slightly Cooler.

City skies are forecast for  
with occasional spring  
sunny. The temperature,  
adds, will be somewhat  
cooler.

Mr. at Chicago sees local  
hazards in parts of Mis-  
souri, Kansas, Oklahoma,  
and Nebraska.

## CONNOR'S BIRTHDAY.

Weather Man Is "Up  
in the 70s."

St. Patrick's day and an-  
niversary for P. Connor, former  
mayor here. As has been  
on occasions, the Irish  
mayor received most  
of the city's jovial attention.

Doctor's care at his home  
passed the last few weeks.  
was in excellent spirits  
commented upon the "fine  
weather," noting that the  
temperature was 10 degrees  
at the same time yester-  
day. It demonstrated his  
interest in Kansas City's  
climate he observed for forty-

green carnations and  
roses on the table. Mrs.  
said that Mr. Connor was  
born on St. Patrick's day.  
How old was he today?

"Way up in the 70s,"  
Connor. A nod and a  
smile was Connor's answer.

## LIGHT IS TO WED.

March 17. — (A. P.) —  
movie leading man, sur-  
vived today with the an-  
nouncement that he will be married  
to Martha Cramer, former-  
wife.

See US100.005 Life B4 April  
ret N. B. Allevitt Life.

## A NEW "SIT-DOWN" APPLICATION IN GARMENT DISPUTE.



Members of the International Ladies' Garment Workers Union attempted to force a strike today for the employees of three garment companies in the Shukert 2617 Grand building and proceeded to sit down on the floor just inside the entrance to block the workers from their jobs. Some of the union members are shown above carrying on their sit-down blockade. Wave Tobin, business agent for the union, is shown standing at the left reading a newspaper. The three companies delayed by the threatening strike were the Missouri Garment Company, the Gorman Garment Company and the Gordon Brothers Manufacturing Company, all in the building at 2617 Grand avenue.

—Associated City Star Photograph

repeatedly e  
set it against  
government.  
majority of ne  
have been i  
lished consti

"It is obvi  
valid beyond  
when four e  
is sound," he

He conden  
Constitution  
as "unneces

"One-twen

tion c  
said.  
shown  
favor  
with s  
after  
ratified

The  
phases  
"due"  
of the  
court  
stated

"By  
Consti  
puted  
bench  
said.

To  
the C  
quote

Our  
court  
union.

"vague  
Comm  
delays  
interest  
Consti

little  
spoke  
regati

Court's

"I believe I  
good thing.  
upon the Com  
forth individ  
to curb the  
courts."

Among  
Roosevelt

(Continued)

(Respondent's Exhibit 27.)



TY MEETING IN YEARS (upper)—Nine of Southern directors were at this "home office" meeting of the board got under way at 11 o'clock from left to right, are R. Crosby Kemper and City bankers; C. E. Johnston, Kansas City; Seth D. Steere, New York broker, now chairman, a Boston partner of Mr. Steere in Paine, Couch, the new executive committee chairman, Kansas City, president of the Locke-Wiles Circuit; John A. Nixon, Omaha business man, and New York City, a spokesman for Holland stock-

## FAIL TO STOP WORKERS

*Desp. 4-28-37*  
UNION PICKETS AT GARMENT COMPANY DOORS IN SKIRMISHES

Police Escort Employees to Entrance and Lose Several Buttons Off Their Coats—A Woman Injured.

A recurrence of skirmishes involving hat grabbing and button tearing, marked today's strike activities at the garment companies in the Shurt building at 2617 Grand avenue, as workers attempted to enter the rear entrance of the building on Walnut street.

Shortly after 7 o'clock the rear entrance was crowded with a group of about seventy-five pickets who attempted to dissuade workers in the Gordon Brothers Manufacturing Company and the Missouri Garment Company from entering the building.

POLICE TRY FOR ORDER.

Under orders from Robert J. Coffey, chief of police, a squad of about twenty patrolmen under the direction of D. E. Reddish, detective, endeavored to maintain order as the workers entered the building.

About fifty workers assembled on Walnut street a half block from the door, afraid to run the gauntlet to enter the building. They later were escorted to the door in a motor car by officials of the Gordon plant, where about half of the workers' machines were idle today. Included in the waiting group were several employees of the Gernes Garment Company, Inc., on the third floor. The International Ladies' Garment Workers' Union No. 118, which is calling the strike, is not attempting to keep the Gernes employees from working, according to Miss Wave Tobin, manager of the striking union.

Today when Hyman Gordon, president of the company bearing his name, attempted to enter the plant the pickets surged forward and broke the line formed by police. They seized his hat and pulled at his clothes, until he reached the safety of the door. Police recovered his hat.

Gordon said he would close down the Gordon plant rather than sign an agreement with the union.

CRASH OF TWO LIVES.

When recruits to the union ranks appeared shouts of cheer would break from those already on picket duty.

## STUDY GAS IN SCHOOLS

Kansas

199  
Torn director and red fire make taken of ed of this lar to 1 Thurnsh

The receiver aid the assistant that the lature require state t basem might t The not ha tion, be marsh the cili cation any pe

K.C. Star - March 22, 1937

NATIONAL LABOR RELATIONS BOARD

EX-110-3322-1 EX-110-28

DANIEL W. ROSS, OFFICIAL REPR. BY B. Warren

IN THE MATTER OF: DANIEL W. ROSS, OFFICIAL REPR. BY B. Warren

TRUTONOPHONE

Receiving Aids—First, What

JONES

12th, Main, Walnut

JU

12th, Main, W.

BI

for

Van Spec

Moody bou read type; spec. One Master gifts Main

WE





meeting of the board got under way at 11 o'clock from left to right, are R. Crosby Kemper and City bankers; C. E. Johnston, Kansas City; D. Steere, New York broker, now chairman, a Boston partner of Mr. Steere in Paine, Couch, the new executive committee chairman, Kansas City, president of the Loose-Wiles Biscuit; John A. Nixon, Omaha business man, and New York City, a spokesman for Holland stock-

**SMILES (below)**—New factories, new processes, diversified agriculture, the future Mr. Couch is on the upturn. The Outlook as a recreation itself and with a tremendous future. Having in Arkansas and adjacent states, Mr. Couch to increase his investment in railroads and business betterment in the area south from Kan-

## CASE

the daughter, Bonnie, 23, was on a bed in the adjoining room.

An iron pipe was found in Mrs. Kadeah's room. Police expressed belief it was used in the attack. A screw driver found under the girl was used to stab the two women, police said.

## NEW CAP FOR BANDIT'S FOE.

Officer Williams to Be Honored by South Central Group.

Glenn E. Williams will have a new police cap tomorrow, to replace the one blasted off his head last Friday by bandit bullets.

The presentation will be made by the South Central Business Association at a luncheon tomorrow, at which Officer Williams will be a special guest.

Williams, who shot it out with a bandit attempting to rob a loan office at 3119 Troost avenue Friday, has been in the Thirty-first street dis-

the line formed by police. They seized his hat and pulled at his clothes, until he reached the safety of the door. Police recovered his hat.

Gordon said he would close down the Gordon plant rather than sign an agreement with the union.

carried on two knives.

When recruits to the union ranks appeared shouts of cheer would break from those already on picket duty, while derisive cheers would greet workers as they arrived in taxicabs or private cars.

Police directed motor car drivers with worker passengers to drive as closely to the curb as possible and would assist them to run the gauntlet, but did not offer to help them from the motor cars. Miss Tobin, manager and organizer of the union, watched the proceedings from the sidewalks.

Several women were placed in a police wagon after skirmishing with the police and when the capacity had been reached they were taken to a police station and released. As they waited in the wagon they were given cigarettes by Miss Tobin.

The east side of Walnut street was lined with a crowd of over 100 spectators watching the proceedings.

Several of the police lost gold plated buttons on their uniforms. Shortly after 3 o'clock a number of pickets believed to be from other garment companies left the scene and considerably thinned the ranks of the strikers.

Miss Mary Brown, 38 years old, 3410 Troost avenue, was taken to General hospital with a broken arm she said she suffered when she fell at the entrance to the building, when she was pushed back by persons in front of her.

THE AMALGAMATED SIGNED.

signed when agreement was not

TRUTONOPHONE

Hearing Aid—First, Walnut

**JONES**

12th, Main, Walnut CL 5220

## HIGH BLOOD PRESSURE?

If your doctor has said you have high blood pressure, he has probably also told you to avoid caffeine in coffee. For caffeine is an active stimulant, whereas you need rest and quiet.

But you can still enjoy the best coffee money can buy, if you change to Kaffee-Mag Coffee. This fine coffee is 97% caffeine-free, but 100% flavorful. Try it today. At your grocer's. Made by Kellogg in Battle Creek.

**LOANS & DIAMONDS**

2% Per Month

E. C. Only Exclusive Diamond Loan Co. Established 26 Years

**GRAY'S, 1118 MAIN**

(Respondent's Exhibit 28.)



TES

Court-  
ent-

DASH

I Will

LAND

Group

action-

recent

when

sloners

site at

avenue

eventh

velop-

hotel

I to J

banker

The

ing as

Kansas

chased

That

to be

in cost

( must

erty is

a dual-

rovides

ans go

has to

ive the

all be

to the

## Well, I'll Tell You—

By BOB BURNS.

As long as we are contented, we should turn a deaf ear to all wild stories that make us dissatis-



fied with our lot. Nine times out of ten, if you git to the bottom of these wild tales, you'll find out that there's a catch in 'em. We had a married man's club down home that used to meet

every Thursday night. You couldn't find a more happily married bunch of men anywhere. They never kicked about break-in' up early because they just took it for granted that they had to be home with their wives by 10 o'clock.

Finally a new family moved to town and the man joined this club. Right away, he started braggin' about bein' boss in his home. He bragged that he could stay out as late as he wanted to and go home whenever he pleased and he showed 'em a latch key to prove it. Pretty soon, all the other husbands started complainin' to their wives about not havin' any freedom, and they told their wives about this new man carryin' the latch key.

A committee of wives called on this new lady and told her that her husband was settin' a bad example for their husbands. They said "We even hear that you let your husband carry a latch key." The man's wife said, "Well, yes I do let him carry a key, jest to humor him—he likes to show it to the boys to show how independent he is, but the key don't fit the door!"

(Copyright 1937)

## THE HAIR PULLING GROWS

POLICE UNABLE TO STOP STRIFE AT GARMENT FACTORIES.

Women Scuffle and Scream at Each Other as Garment Union Pickets Attempt to Keep Workers From Jobs.

For two hours today women pickets and employees of three garment firms at 2617 Grand avenue scuffled and screamed at each other as the pickets attempted to prevent the workers from entering the building. About thirty-five police officers tried to keep order. The officers said it was the "worst day so far."

James Oudea, a patrolman, suffered a sprained right ankle at the scene and went to his home. Mrs. Frankie Bennett, 23 years old, 1317 Troost avenue, a picket, received a badly wrenched left wrist and severe lip bruises. She was treated at the General hospital and then arrested and charged with disturbing the peace. Eleven other pickets and two workers also were arrested today.

The fourteen women arrested today, twenty-one arrested yesterday and twenty-three arrested Tuesday are scheduled to appear at 9 o'clock tomorrow in the South Side court. Some of the women have been arrested each day.

As motor cars containing workers pulled to the curbing at the building today, the officers formed a double line leading from the curb to the entrance of the building at 2617 Grand avenue. The workers then dashed through the police lanes. Often, however, the pickets broke through the police cordon and then clothes were torn, hair pulled, faces scratched and shins kicked. Several times workers' lunches were scattered on the sidewalk and purses were ripped open.

The pickets are members of the International Ladies' Garment Workers' Union and are attempting to enlist workers at the Missouri Garment Company, the Garne Garment Company and the Gordon Brothers Manufacturing Company which are

mistaken for Queen Mother Mary, died Wednesday at the age of 74. Sentries often saluted Mrs. Lax as she walked from her home at Windsor and scores of visitors photographed her in the belief she was Queen Mary.

RICH LIBRARY TO K. C. U.

(Continued From First Page.)

K.C. Star - March 25, 1937.

NATIONAL LABOR RELATIONS BOARD

EXHIBIT NO. 27

STATEMENT OF DANIEL W. ROSS

WITNESS P. 22

DANIEL W. ROSS, OFFICIAL REPORTER

BY B. W. Ross

# No SCHC FRIDA



1. Novelty, wool dress with pure dye, pure silk, high tie bodice. Match the Glast year Spring. Grey a duobonnet, belt brown or more

(Res

has to  
ve the  
all be  
to the

only  
with  
fore a  
bust-  
that  
sembly  
offer  
would  
on a  
store  
led by

scuted  
I have  
siding  
& five  
of the  
old.  
sh in  
A de-  
ry ap-  
et of  
anna.  
would  
steel

numo' n'm—ne likes to show it  
to the boys to show how independ-  
ent he is, but the key don't fit  
the door!"

(Copyright, 1937)

ways which would set up a state  
driver's license act, long sought in  
Missouri.

Among others who will attend the  
conference are Senator Michael Kin-  
ney, chairman of the committee to  
which the bill was referred, and Al-  
bert Bond Lambert, chairman of the  
St. Louis police board.

#### PROPERTY OWNERS TO HAND.

Stabilization of Prices Is Goal of a  
New Group.

Officers will be chosen tomorrow  
afternoon at the meeting of directors  
of a property owners' association, as  
yet unnamed, that has been formed  
to work for restriction enforcement  
and the stabilization of real estate  
values in an area between Twenty-  
fifth street and Linwood boulevard.  
Robert Guilham road to Prospect  
avenue.

Nearly two hundred property own-  
ers, meeting last night at the Neuro-  
logical hospital, 2625 the Paseo, chose  
this first board of directors.

By the way

By the way

The pickets are members of the In-  
ternational Ladies' Garment Work-  
ers' Union and are attempting to  
enlist workers at the Missouri Gar-  
ment Company, the Garne's Garment  
Company and the Gordon Brothers  
Manufacturing Company, which oc-  
cupy the same building.

#### QUIET AT BUTLER PLANT.

Twenty Men Return to Work, Un-  
molested by Pickets.

About twenty men returned to their  
jobs at the Butler Manufacturing  
Company, 7400 East Thirteenth street,  
today, according to E. E. Norquist,  
president of the company. It was the  
first work since March 12, when a sit-  
down strike started.

The building was surrounded by  
pickets today, but the men appearing  
for work were not molested. Mr.  
Norquist said a few men would be  
added each day. Eight plant em-  
ployees engaged in unloading a car  
of coal at Twelfth street and Crystal  
avenue, near the plant, were the  
target of rock throwing strikers until  
police arrived. No arrests were made  
and the men continued their work.

The sit-down strikers abandoned  
the plant yesterday morning on a  
circuit court order.

A QUEEN'S DOUBLE DIES.

of collections useful both to research  
scholars and students.

#### A "VALUABLE MINE."

"The Snyder library, unequalled  
anywhere in its special field of mid-  
western Americana, offers to the spe-  
cialist a mine of invaluable material  
inaccessible elsewhere. The uni-  
versity holds a deep debt of gratitude  
to those who have made this possible.  
The activity of Dr. Clarence Decker  
in making a careful study of the re-  
sources of this library has contributed  
in no small degree to this result.

The gift, anonymously of another  
rare American library of about 500  
volumes, within the week supplements  
the Snyder library and indicates the  
possibilities of the type of growth to

with pure dye, pure  
silk, high tie  
bodice. Match  
the "last war  
Spring. Grey &  
dubonnet, belt,  
brown or powe  
navy. Sizes  
\$14.95. Third

2. The Jigger  
leather bound,  
coat with Shetla  
Thistle and navy  
and brown. Co  
navy. Sizes  
\$29.95. Third.

3. Printed crepe  
dress for size  
Also bolero and  
style, \$7.95.  
Floor.

4. Dainty confir  
or party dresses  
rayon taffeta, ge  
or crepe. Sizes  
\$2.95-\$5.95. (She  
White net with  
trim, \$1.95. Fourth  
Floor.

(Respondent's Exhibit 29.) 415

# BOOK

GIRL'S  
ED.

Seven  
Hay-

Discovery  
staining  
where  
6-year-  
and a  
provided  
York's  
plotted  
by un-  
Martha-  
stonen  
pk.  
paper-  
articles  
posed,  
dates,  
-sum-

## THE WEATHER—GENER- ALLY FAIR.

at midnight	33	9 a. m.	34
1 a. m.	33	10 a. m.	34
2 a. m.	33	11 a. m.	34
3 a. m.	33	noon	34
4 a. m.	33	1 p. m.	34
5 a. m.	33	2 p. m.	34
6 a. m.	33	3 p. m.	34
7 a. m.	33	4 p. m.	34
8 a. m.	33	5 p. m.	34
9 a. m.	33	6 p. m.	34
10 a. m.	33	7 p. m.	34
11 a. m.	33	8 p. m.	34
12 a. m.	33	9 p. m.	34
1 p. m.	33	10 p. m.	34
2 p. m.	33	11 p. m.	34
3 p. m.	33	midnight	34

\*Unofficial.  
The Forecast—Kansas City and  
Vicinity: Generally fair tonight  
and Wednesday; rising tempera-  
ture Wednesday.

Relative humidity, 7 a. m., 99 per  
cent.  
Relative humidity, noon, 51 per cent.  
Wind velocity, noon, 1 mile; from  
the south.  
River stage today, 7 a. m., 7.9 feet;  
fall of 7 feet.  
Precipitation in twenty-four hours  
ending 7 a. m., .07 inch.  
Lake of the Clouds, 7 a. m., .5 foot  
below full reservoir.  
(Government forecast for grain area  
on market page.)

The Midwest Forecast.  
Missouri, Kansas, Southern Ne-  
braska, Southern Iowa and East-  
ern Colorado—Generally fair with  
rising temperature Wednesday;  
probably fair and mild Thursday;  
unsettled Friday and Saturday.  
Little if any precipitation indi-  
cated.  
Arkansas and Oklahoma—Gen-  
erally fair with slowly rising tem-  
perature Wednesday and probably  
Thursday. Increasing cloudiness  
Friday.

## VOTE BILL IS SINKING

ONLY ORDERS FROM DEMOCRATIC  
ORGANIZATION CAN SAVE IT.

Spokesman, Shannon C. Douglas,  
Says He Has a Substitute Meas-  
ure, but the Time Is  
Short for Action.

(By The Star's Missouri Correspondent.)  
JAMESON CITY, Mar. 30.—The  
proposing permanent registration for  
Kansas City is doomed unless the  
Democratic organization of that city  
gives the word to revive it.

That is the situation today. The  
pending proposal is destined to take  
its place alongside similar bills which  
Kansas City has sought enacted into  
law starting in 1935.

## FINGERS TELL A TRAGEDY

Husband Killed by Car Identified  
by Blind Woman.

K.C. Star—March 30, 1937  
NATIONAL LABOR RELATIONS BOARD  
IN THE MATTER OF  
CASE NO. 1382  
LATE 5-42 WINES  
DANIEL W. ROSS, OFFICIAL REPRODUCER  
BY 1322

## A CURB ON PICKETS

Judge Brown Issues Injunction  
Against Garment Work-  
ers' Union.

## WOMEN STONE TAXICABS

While Court Hearing Is On, Bat-  
tle Continues at 2617  
Grand Avenue.

## ORDER AGAINST VIOLENCE

Court Acts Only After Continued  
Efforts to Gain Peace by  
Conferences.

After another fruitless effort today  
to establish peace between workers  
and the three garment companies at  
2617 Grand avenue, Judge Darius A.  
Brown issued a temporary restraining  
order, enjoining the workers from  
further violence.

In the meantime, while lawyers  
were arguing for and against the in-  
junction another of the almost daily  
battles was in progress in front of the  
plants.

### Throw at Cars.

Stones were flying as employees ar-  
rived in taxicabs and attempted to  
pass the pickets. No one was in-  
jured, but nine pickets and two work-  
ers were arrested during the melee  
which lasted two hours.

Before deciding upon issuance of  
the restraining order, Judge Brown  
conferred again with lawyers for the  
workers and the union. It was to no  
avail. Lawyers for the union asserted  
there would be no settlement until  
the companies recognized the union  
as the sole bargaining agency for the  
employees.

Judge Brown ordered that the tem-  
porary restraining order against the  
pickets and the union they represent

Capital Editor, 9, Re  
on "Suprem" Cou

(By the Associated Press)  
WASHINGTON, March 30.  
year-old Nicky Arundel tun  
at the senate judiciary c  
tee hearing today to repo  
court business" for his  
"Nicky's News."

Perched on the knee of  
tor McCarran, Nicky sold h  
let to the committee memb  
Its leading story was how  
"Suprem court hasn't  
made bigger yet. Still try.  
The flaxen-haired West  
youngster, dressed in serp  
brooches and an Elton coll  
at a press table and sc  
notes industriously through  
hearings.

"From now on Nicky's  
will have scope about this  
news," read the current "is  
Nicky's Journal.

A footnote to his page  
closed that "there are no  
this week because nobody p  
their adds last week."

## BUYS HOTEL PRESI

GROUP HEADED BY FRANK  
ARE NEGOTIATING.

Sale Will Include Building  
Fittings and Land—Dean  
His Hotel Muchhach  
Interests.

Negotiations for the sale  
the Hotel President by a group  
ed by Frank J. Dean and  
The purchase would be from t  
cantile Curran, Dean and  
Company of St. Louis,  
the mortgage holder.

Articles of Incorporat  
new hotel company were  
be filed late today at Je  
by the new purchasers.

The land, building and  
of the hotel are included  
Mr. Dean, veteran hotel

(Responder



(By The Star's Missouri Correspondent.)

JAYNESON CITY, March 30.—The bill proposing permanent registration for Kansas City is doomed unless the Democratic organization of that city gives the word to revive it.

That is the situation today. The pending proposal is destined to take its place alongside similar bills which Kansas City has sought enacted into law starting in 1923.

It was all but a knockout blow that was delivered the bill last night when Shannon C. Douglas, who told the house committee he was authorized to speak for the Kansas City Democratic organization, said the pending proposal was "mechanically unworkable."

The organization favors a workable permanent registration law and he is willing to submit a substitute for the pending bill, Douglas related. The substitute, he said, would be forwarded to the committee shortly. The understanding here is that the substitute represents the Kansas City bill which failed in the house in the 1921 session after it was loaded down with amendments.

There is an outside chance yet that new life may be pumped into the proposal, but time is short, the assembly is tackling some of its biggest statewide problems, and efforts must come fast.

LOS ANGELES, March 30.—Police disclosed today that after arresting two Japanese following a knife fight they broke into a locked chamber of an Alameda street rooming house and found a radio set, maps of Hawaiian fortifications and plans of the Los Angeles water system.

One of the Japanese, wounded in the stomach, was taken to the county hospital. Officers said he was in such a condition that he was unable to talk, beyond giving his name as T. Onishi. The other Japanese identified himself as Shachiro Aho.

"We are convinced that Aho is connected with a foreign spy organization and was in the business of accumulating information of military information," said Detective Capt. Bert Wallis.

"We believe his fight with Onishi was the result of espionage activities in which the two men must have engaged. It will be up to the government to investigate this, however."

#### WIFE ON DOUBLE SHIFT.

Chicagoan Is Charged With Divul.

Before deciding upon issuance of the restraining order, Judge Brown conferred again with lawyers for the workers and the union. It was to no avail. Lawyers for the union asserted there would be no settlement until the companies recognized the union as the sole bargaining agency for the employees.

Judge Brown ordered that the temporary restraining order against the pickets and the union they represent be drawn immediately. He said it would be served individually upon the union representatives late today. Lawyers for the union said they would file a motion immediately for the dissolving of the injunction.

#### Three Plants.

The union involved is the International Ladies' Garment Workers' Union of America. The three companies whose plants are being picketed, and from whom union recognition is demanded, are the Missouri Garment Workers, the Gerns Garment Company and Gordon Brothers' Manufacturing Company.

In the battling today a taxicab driven by Pete Copulos, 39 years old, 1212 Campbell street, was stoned first. A large stone struck the door post between the front and back windows of the cab, causing a dent in the body but not breaking any glass. Later two other taxicabs were the targets of flying stones, but they did little

The purchase would be from Cantile Commercial Bank and Company of St. Louis, the mortgage bondholders.

Articles of Incorporation of new hotel company were filed late today at 4 p. m. by the new purchasers.

The land, building and of the hotel are included.

Mr. Dean, veteran hotelier, has completed the sale of a 50 percent interest in the Tru Company to Barney Allen, company, which operates Muehlebach.

Mr. Dean formerly was ident and general manager of United Hotels Company, an extensive hotel chain controlled the stock in the Hotel Corporation, an operating company. He owned and operated the more.

#### SOCIALISTS NOT TO

Some Support Will Be Given Musicians, Says Chairman

(By the Associated Press.)

CHICAGO, March 30.—Arthur Dowell, chairman of the city party publicity committee, said the adoption of a "united front" program by a special party convention

(Respondent's Exhibit 30.)

4157



# 20 WOMEN STRIKERS

## SHANDLING OF BALLOTS AT POLLS ALLEGED

Accused as Fifth Vote  
Fraud Trial Opens  
Before Otis.

### THE JURY.

L. Ray, Tarkio, automobile  
D. Baxter, Marionville,  
A. Chambers, Butler, insur-  
Mary Eldred, Mack's Creek,  
ay French, Napton, farmer,  
C. Gerber, Versailles,  
Hudson, Henson, Cape Fair,  
Charles W. Huff, Fairgrover,  
B. Lindsay, Preston, filling  
operator,  
Wm. Nichols, Ashland, farmer,  
George Norman, Galena, road-  
er,  
on Payne, Fayette, farmer,  
L. Waters, Fulton, merchant,  
ate Juror.

Pictures on Picture Page.

fraud picture which the gov-  
at will seek to establish in  
election fraud trial which

## Horse 'Whips' Car

Dobbin Gets Decision in  
Highway Clash.

DALLAS, TEX., April 5.—(UP)—  
The automobile may have re-  
placed the horse, but when it  
comes to battle Fred Bosworth's  
charger proved he was superior  
to the machine.

Horse and car disputed a high-  
way. The horse attacked by  
jumping up in the air and land-  
ing on the hood of the car.

Bosworth, 16 years old, suf-  
fered a broken arm. The car  
hood was smashed. The horse  
trots away unhurt.

## CARL BARELLI GOES ON TRIAL

Receipt of Stolen Property  
Is Charged.

Carl Barelli, 34 years old, 513  
Cherry street, one of nine indicted  
by the Jackson county grand jury  
on a charge of receiving stolen  
property, went on trial Monday in  
Judge Brown Harris' court.

The jury was selected immediately  
after Judge Harris sentenced  
Charles (Cheese) Casciola to two  
years in the penitentiary on a charge  
of tampering with a motor car.

Barelli was indicted on a charge  
of receiving stolen property after  
the warehouse of the Goodyear Tire  
and Rubber company was

## K. C. K. MILK STRIKE TAKES VIOLENT TURN

Union Plans Complaint to  
U. S. Labor Relations  
Board.

Picture on Picture Page.

First reports of violence in the  
strike of milk wagon drivers of the  
Meyer Sanitary Milk company were  
received by Kansas City, Kas. police  
Monday as R. O. Jackson, business  
agent of the teamsters' union, pre-  
pared to go before the federal labor  
relations board to discuss possible  
charges against the dairy owners.

William E. White, commissioner  
of conciliation, United States de-  
partment of labor, was in Kansas  
City Monday, reportedly to at-  
tempt to settle the strike. Jackson  
conferred with him concerning  
working conditions at the plant.

Mayor Don C. McCombs asked a  
committee from the strikers to meet  
with him to discuss plans for pre-  
serving order. He said that the  
Kansas mob law made the city  
liable for injuries received by per-

## AIR CRASH TIP SPURS HUNT FOR 8

## 'CONSTITUTION AS WRITTEN'

Justice McReynolds States  
His Belief.

By United Press

WASHINGTON, April 5.—Justice  
James C. McReynolds Monday de-  
parted from the prepared text of  
his dissenting opinion in a minor su-  
preme court case to assert "We be-  
lieve in the constitution as written  
and not whittled away by tenuous  
reasoning."

McReynolds' remarks, regarded as  
of significance in the light of the  
present judiciary controversy, were  
presented in a dissent to a majority  
ruling which approved a District of  
Columbia statute which provides for  
trial without jury of certain petty  
offenders.

Craft Lost Saturday May  
Be in Desolate Ari-  
zona Area.

By United Press

SPRINGVILLE, ARIZ., April  
5.—Posses of lumberjacks patrolled  
desolate mountain sides in this area  
Monday in search of a Douglas  
transport plane carrying eight pas-  
sengers which an 11-year-old boy  
contended he saw crash.

The child, a son of Henry Mc-  
Daniel, ranger atop Escudilla peak  
in the White mountains, told his  
parents he watched the plane spiral  
to the ground as he was playing in  
the yard of his isolated home.

The child's story at first was  
discounted, but later reports of per-  
sons seeing the plane flying dan-  
gerously low and its motors missing  
fire convinced officers a search  
should be made.

Mrs. Inez Booth, manager of the  
Springville telephone office, said  
residents in Greer and Alpine, both  
tiny mountain hamlets in this area,  
had heard the plane about 3 p. m.  
Saturday.

# ARE CITED

## QUIET MARKET SESSION PACED BY OIL SHARES

## New Fights Stir Action

### Traders Show Hesitation Early Dealings; U. S. Bonds Gain.

By ELMER C. WALZER  
United Press Financial Editor

NEW YORK, April 5.—Oil shares paced the stock market higher today in quiet trading.

Traders were hesitant early, anticipating a supreme court ruling on the Wagner labor relations act. When none was forthcoming, effort was made to extend the advances which had ranged in points.

Government bonds strengthened on announcement the federal reserve will support government securities on the open market, corporation bonds generally strengthened. This gave more assurance to stock market operations.

#### Leading Commodities Up.

Cotton gained 30 to 75 cents a bushel. Corn futures in Chicago were up 4 cents a bushel. Wheat and oats advanced. Other commodities were mixed.

Demand for oil shares coincided with reports that additional oil price rises soon will be possible.

### Judge Brown Sets Garment Case Hearing for Wednesday.

Twenty-one citations for contempt of court against 20 women members of the International Ladies Garment Workers' union, involved in a strike at three garment plants at 2617 Grand avenue, were issued Monday afternoon by Judge Darius A. Brown.

One of the citations was against Miss Wave Tobin, business agent of the union. Two of them named, Rosalie Poole.

Those named were ordered to appear before Judge Brown at 9 a. m. Wednesday to show why they should not be held in contempt for alleged violation of the injunction he issued last week prohibiting violence and interference with nonstrikers.

The issuance of the citations followed a conference between Paul T. White and Henry L. Thomas, attorneys for the garment companies.

K.C. Journal-Pas

CASE NO. 1342  
IN THE DISTRICT COURT  
FILED - 5042  
DANIEL W. JONES  
BY P. J. JONES

n 20-  
to purd  
will s

B. Lindsey, Preston, filling  
operator.  
win Nichols, Ashland, farmer.  
George Norman, Galena, road-  
er.  
m Payne, Fayette, farmer.  
L. Waters, Fulton, merchant.  
ate Juror.  
ictures on Picture Page.

fraud picture which the gov-  
t will seek to establish in  
an election fraud trial which  
Monday before Federal  
Merrill E. Otis will center  
activities of a pair of Demo-

handled ballots, looked them  
over, altered some of  
and put them in the ballot  
box without authority.  
was the charge contained in  
the statement to the jury  
that William Wilson, assistant United  
States attorney.  
trial is that of eight persons  
in a twenty-second precinct of  
the fifth ward, judges, clerks  
and precinct workers, all charged  
with conspiracy to commit vote

Defendants are:  
Shannon, Democratic judge.  
Benson, Democratic judge.  
Benson, Republican judge.  
Crawford, Republican judge.  
D. Adams, Democratic clerk.  
D. Adams, Republican clerk.  
D. H. Kaiser, Democratic precinct  
of the Frederick station.  
McNamara, Democratic precinct  
of the Shannon group.  
charges are that they con-  
spired to Page 4, Column 3.

**REVENGE IN FIRE**  
Named in Burning of  
Zion Church.

Carl Barelli, 24 years old, 313  
Cherry street, one of nine indicted  
by the Jackson county grand jury  
on a charge of receiving stolen  
property, went on trial Monday in  
Judge Brown Harris' court.  
The jury was selected immediately  
after Judge Harris sentenced  
Charles (Cheese) Casciola to two  
years in the penitentiary on a charge  
of tampering with a motor car.  
Barelli was indicted on a charge  
of receiving stolen property after  
the warehouse of the Goodyear Tire  
and Rubber company, 2338 McGee  
trafficway, was robbed the night of  
December 31, last.  
The first witness was W. L. Smith,  
Goodyear company.

He said it was his duty to go to  
the warehouse daily to fill orders  
and that he was the last man in the  
employ of the company to be in  
the warehouse December 31.  
Found in Warehouse.  
New Year's day was a holiday.  
Turn to Page 4, Column 1.

## RACE RESULTS

RACE ENTRIES ON PAGE 1.

### BOWIE-MARYLAND

FIRST RACE—5 fms.  
Golden Vult (Western) 2:30 2:30 2:30  
Golden Vult (Western) 2:30 2:30 2:30  
Time 1:10 5-5. Also 1-10 Waterman  
Italian Harry, Bakuloni, Tammion.  
SECOND RACE—5 fms.  
Price Elm (Western) 2:12 2:30 2:30 2:30  
Conservative (Loblaw) 4:30 2:30  
Ipsa (Pinto) (Barba) 2:30  
Time 1:10. Also 1-10. Statuquoque 12:30  
New (Bakuloni), Light Chatter, Play Not  
THIRD RACE—5 fms.  
Victorian Star (Bakuloni) 2:30 2:30 2:30 2:30  
Victorian (Bakuloni) 2:30 2:30 2:30  
Black Sea (Cubini) 2:30 2:30 2:30  
Time 1:10 5-5. Also 1-10. Statuquoque, Bar-

partment of labor, was in Kansas  
City Monday, reportedly to at-  
tempt to settle the strike. Jackson  
conferred with him concerning  
working conditions at the plant.  
Mayor Don C. McCormbs asked a  
committee from the strikers to meet  
with him to discuss plans for pre-  
serving order. He said that the  
Kansas mob law made the city  
liable for injuries received by per-  
sons during labor demonstrations,  
and, for that reason, he desired to  
obtain the cooperation of strikers  
to have them abide by the law.

side, he said, disturbances will give  
the city a "black eye."  
The alleged beating of a substitute  
driver, smashing of a truck's wind-  
shield and intimidation of another  
driver Monday marred the peace-  
ful trend of the strike, which started  
Friday night.  
Meanwhile, Fred Meyer, president  
of the milk company, announced he  
had hired armed guards to accom-  
pany some of his trucks on de-  
liveries. O. Q. Claflin, jr., attorney  
for the firm, said the firm's delivery  
Turn to Page 4, Column 4.

### RITES FOR MRS. WHITE

45-Year Resident of K. C. K.  
to Be Buried Tuesday.

Funeral services for Mrs. Kate  
Alice White, 66 years old, mother of  
Frederick R. White, former county  
attorney of Wyandotte county, will  
be held at 2:30 p. m. Tuesday in the  
Fairweather-Werner chapel Kansas

preme court case to assert "We be-  
lieve in the constitution as written  
and not whittled away by tenuous  
reasoning."  
McReynolds' remarks, regarded as  
of significance in the light of the  
present judiciary controversy, were  
presented in a dissent to a majority  
ruling which approved a District of  
Columbia statute which provides for  
trial without jury of certain petty  
offenders.  
McReynolds' opinion held this de-  
mand of jury trials violated the con-  
stitutional guarantee of trial by  
jury provided in the sixth amend-

ment, said McReynolds, reading  
from his printed opinion, "it seems  
permissible to inquire what will be-  
Turn to Page 2, Column 2.

### DUNN BURIAL IN PAOLA

Services Tuesday for Oil  
Company Executive.

Funeral services for C. Vernon  
Dunn, 49 years old, secretary-treas-  
urer of the Forbes Petroleum com-  
pany, will be held at 2:30 p. m.  
Tuesday in the Christian church at  
Paola, Kas., the place of his birth.  
Burial will be in Elmwood ceme-  
tery, Paola.  
Mr. Dunn, whose home was at  
1412 East Thirty-fifth street, died  
Saturday night at Research hospital.  
He became associated with the pe-  
troleum company five years ago.  
Coming to Kansas City in 1924 to  
become a member of the headquar-  
ters staff of the De Moyle grand  
council, Mr. Dunn was manager of  
the Kansas City De Moyle band  
seven years

the yard of his isolated home.  
The child's story at first was  
discounted, but later reports of per-  
sons seeing the plane flying dan-  
gerously low and its motors missing  
fire convinced officers a search  
should be made.  
Mrs. Inez Booth, manager of the  
Springerville telephone office, said  
residents in Greer and Alpine, both  
tiny mountain hamlets in this area,  
had heard the plane about 3 p. m.  
Saturday.  
These reports checked with the  
boy's assertion he saw the plane  
fall at 3:30 p. m.  
Mrs. Booth said a witness in  
Greer told her the big plane's

Greer is 15 miles of Springerville  
and Alpine is 26 miles south of  
this small town.  
The ranger station is atop Escu-  
dilla peak, 11,001 feet above sea  
level. The district is one of the most  
rugged in Arizona, cut by canyons  
and the slopes heavily timbered.  
Only the ranchers and their work-  
ers and a few isolated lumber camps  
with a handful of workers inhabit  
the area.

### Extensive Search for Missing Plane Ordered

BURBANK, CAL.—April 5.—The  
bureau of air commerce Monday  
ordered an extensive search for a  
giant new Douglas transport plane,  
missing and feared lost with eight  
persons aboard.  
The huge 2-motored transport has  
not been reported since it left Bur-  
bank at 1 p. m. Saturday (Kansas  
City time) and headed into an Ariz-  
ona wind and snowstorm. It car-  
ried no radio transmitter and was  
not on a scheduled trip. Hence, for



Government bonds strengthened on announcement the federal reserve will support government securities on the open market. Corporation bonds generally strengthened. This gave more assurance to stock market operations.

**Leading Commodities Up.**  
Cotton gained 30 to 75 cents a bushel. Corn futures in Chicago were up 4 cents a bushel. Wheat and oats advanced. Other commodities were mixed.

Demand for oil shares coincided with reports that additional oil price rises soon will be possible. Vacuum led in turnover, advanced fractionally to a new high for the year. Texas corporation made new highs for the month. Most of the advances were maintained.

Private reports of tremendous backlogs in steel offset the first decline since February in the opening rate. American Iron & Steel institute said operations this week are scheduled at 89.9 per cent capacity, a decline of 0.8 point. Steel, however, was strong, closed 119 for more than 2 points. Other steel shares firmed in trading although Bethlehem slumped to a fractional loss.

Copper shares softened as export copper was reported under 16 cents a pound. Anaconda dipped more than a point to 61 and Kennecott at 60 1/2 had a loss. Rails were mixed. Atlosing almost 2 points while Pennsylvania and New York firmed. Utilities held barely steady in light trading.

**Chrysler Shows Strength.**  
Hope for settlement of the Chrysler strike brought easily demand in motor shares, most gains being maintained. Chrysler at 100.

RECEIVED  
JAN 31 1937  
BY DANIEL W. BOSS, CHIEF OF BUREAU

Journal Post - April 5, 1937

One of the citations was against Miss Wave Tobin, business agent of the union. Two of them named Rosalie Poole.

Those named were ordered to appear before Judge Brown at 9 a. m. Wednesday to show why they should not be held in contempt for alleged violation of the injunction he issued last week prohibiting violence and interference with nonstrikers.

The issuance of the citations followed a conference between Paul T. White and Harry L. Thomas, attorneys for the garment companies, and Judge Brown in the latter's chambers. Some of the citations alleged violence and others interfering with workers.

**Others named were:**

Harold Jordan	Chris Weston
Thurley Harriman	Fay Wilborn
Tuffy Harrison	Anna Eubank
Unit Nepons	Nora Pulver
Alberta Brown	Yvette Bontcher
Eschell Williamson	Mary Johnson
Esther Miller	Ellen Frye
Ruth Thompson	Elise Foster
Wanda Lizzett	Wanda Ferrell

Approximately 200 marching, singing, shouting strikers and strike sympathizers Monday morning prevented entrance of nonstrikers to the three garment plants. The few workers who did try to run the gauntlet of the picket line were severely mauled despite efforts of 44 police to maintain order.

Up to noon only three or four nonstriking employees had entered the three plants and they did not go unscathed.

At that hour there still were approximately 80 pickets on duty, half of them taking turns patrolling the sidewalk in front of the door while the other half kept warm in a restaurant on Walnut street.

L. C. W. Shepard of the Country

Turn to Page 2, Column 1.

Pure Oil	11 1/2	11 1/2	11 1/2	11 1/2
Int. Peer P	10 1/2	10 1/2	10 1/2	10 1/2
Stan O. N. I.	9 1/2	9 1/2	9 1/2	9 1/2
Loans	9 1/2	9 1/2	9 1/2	9 1/2
RC Co. Am.	9 1/2	9 1/2	9 1/2	9 1/2

MARKET AT A GLANCE

APR 5 1937



# Hair-Pulling at 3 Garment Plants Nets Court

## FEW WOMEN GET THROUGH MASSED LINE

Entrance Blocked by 200  
Strikers and Their  
Sympathizers.

## TOO MUCH FOR POLICE

Officers Try in Vain to Pre-  
vent Morning Battle at  
2617 Grand.

Continued from Page 1.

Club police station, in charge of the strike detail, advised workers they would enter the plants at their own risk.

Can't Escort Them In.

"We cannot escort you," he said. "We merely are here to prevent fights. We cannot keep them from starting if you try to enter."

The first determined nonstriker who attempted to run through the strikers and strike sympathizers, walking two abreast in front of the entrance to the three factories, received a severe mauling. The left sleeve of her coat was torn off.

The scene of action in the strike Monday morning was changed from the rear entrance on Walnut street, where workers have entered heretofore in the strike, to the front door on Grand avenue. The change was made, Lieutenant Shepard said, at the request of the managements of the three plants, the Gordon Brothers Manufacturing company, the

## Ford Assembly Line Moves Again



—Journal-Post Photo.

Employees at the Ford Motor company's plant, 1823 Winchester avenue, were back at work Monday morning, after settlement of the sit-down strike they inaugu-

rated Friday afternoon. All of the union men were bottoms which proclaimed they were members of local union No. 240 of the United Automobile Workers of

America. This picture was taken when operation of the assembly line was resumed. All of the men were issued new time cards by the company.

**FORD  
PLANT  
WIT**

she made  
respected  
330 who a  
Pay ch  
Monday &  
15 to Apr

5, 1937

## Wants It to Be Understood I Do Not Boss Him Around

Dieting, Not Economizing and Not  
Lying Less, Edward Would Have  
It Known.

By United Press.

VIENNA, AUSTRIA, April 3.—The Duke of Windsor is

## SENATE SPIKES ILLEGAL BRAND FOR SIT-DOWNS

Move to Tack Amendment  
on Guffey Bill Is  
Defeated.

BY VOTE OF 48 TO 36

Byrnes, Critic of Labor's  
Weapon, Refuses to  
Withdraw Plea.

By United Press.

WASHINGTON, April 3.—The senate Monday refused by a vote of 48 to 36 to include in the Guffey coal bill a declaration that the sit-down strike is illegal and contrary to public policy.

The action was on an amendment which referred to strikes in all industries engaged in interstate commerce.

The vote came after three days of wrangling debate over the amendment proposed by Sen. James P. Byrnes (D), South Carolina, who contended the senate should declare its attitude toward sit-down strikes, which he termed "clearly illegal."

Senate leaders were forced to permit the amendment to come to a vote after failing in attempts to persuade Byrnes to withdraw it and agree to consideration of sit-downs in a separate resolution.

Byrnes and his supporters insisted on a vote on the amendment, contending a declaration of senate attitude toward sit-downs might be

# Nets Court Citations for 20

## SENATE SPIKES ILLEGAL BRAND FOR SIT-DOWNS

**Move to Tack Amendment  
on Gaffey Bill Is  
Defeated.**

**BY VOTE OF 48 TO 36**

**Byrnes, Critic of Labor's  
Weapon, Refuses to  
Withdraw Plea.**

By United Press.

WASHINGTON, April 5.—The senate Monday refused by a vote of 48 to 36 to include in the Gaffey coal bill a declaration that the sit-down strike is illegal and contrary to public policy.

The action was on an amendment which referred to strikes in all industries engaged in interstate commerce.

The vote came after three days of wrangling debate over the amendment proposed by Sen. James F. Byrnes (D), South Carolina, who contended the senate should declare its attitude toward sit-down strikes, which he termed, "clearly illegal."

Senate leaders were forced to permit the amendment to come to a vote after failing in attempts to persuade Byrnes to withdraw it and agree to consideration of sit-downs in a separate resolution.

Byrnes and his supporters insisted on a vote on the amendment, contending a declaration of senate attitude toward sit-downs might be allowed to wait action on a separate resolution.

WASHINGTON, April 5.—Recent visitors to the White House report President Roosevelt's opinion on sit-down strikes to be that the technique is illegal and that public opinion will cause labor to abandon or

assure labor it may bargain collectively.

DETROIT, April 5.—(UP)—Gov. Frank Murphy, confident he can restore peaceful relations between capital and labor in this strike-ridden industrial area, planned a series of conferences with automobile manufacturers Monday in an effort to settle controversies affecting 73,400 workers.

The red-haired executive, successful mediator in the 44-day nationwide strike of General Motors corporation employees, resumed at 10 a. m. his conference with Walter P. Chrysler and John L. Lewis on plans to end a strike that has made 80,000 Chrysler workers idle.

Indicating he believed a Chrysler settlement was near, Murphy announced that "some time later this week" he would turn his mediation attempts to the Hudson and Reo motor car company strikes. Approximately 11,000 Hudson employees and 3,400 Reo workers are idle.

If you wish to find a desirable tenant for your vacant room insert an advertisement in the Journal-Post. Phone Victor 4000 and ask for a Want Ad taker.

## GOLDMAN RITES SET

**Funeral of Financier to Be  
Tuesday.**

NEW YORK, April 5.—(UP)—Funeral services will be held here Tuesday for Henry Goldman, 79-year-old banker, philanthropist and art collector who died Sunday.

Until his retirement in 1917, Goldman was senior partner in the banking firm of Goldman, Sachs & Co., which assisted in organization of many of the country's largest corporations, among them Sears, Roebuck & Co., F. W. Woolworth company, B. F. Goodrich company, Studebaker corporation, Jewel Tea company and the Underwood Typewriter company.

## MRS. ROOSEVELT ON RADIO.

WASHINGTON, April 5.—(UP)—Mrs. Franklin D. Roosevelt will broadcast a plea for peace Tuesday night on the twentieth anniversary of the entrance of the United States into the World war. Admiral Richard E. Byrd, polar explorer, who is chairman of the no-foreign-war crusade, and Dr. Harry Emerson Fosdick will join her in broadcasting from the White House.



## JONES

German Day

**"International  
Cooking School"**

Tuesday, April 6 at 11 A. M.

**ALONZA RAY**

Chief of the

**BAVARIAN RATHSKELLER**

1118 East Armour

Will demonstrate the  
preparation of

**GERMAN POT ROAST and  
GERMAN POTATO PANCAKES**

their own fine old German  
recipes which are the pride of  
the Bavarian Rathskeller.

**Receive Your German Recipes!**

No Charge for Admission.

Auditorium—Third, Main.



mass, Lieutenant Shepard said, at the request of the managements of the three plants, the Gordon Brothers Manufacturing Company, the

Missouri Garment company. It was there the police and picket line forces were established. Many workers arrived in taxicabs and by street car to take one look at the imposing line of pickets, including many women from other garment factories and other unionized industries, and depart hurriedly.

Those who chose to brave the circling line of marching pickets found themselves in the midst of a scrambling mass of hair-pulling, kicking, scratching women. Meanwhile, police were trying to keep order against impossible odds.

#### Advised Not to Risk It

Soon F. Parsons, mechanic of the Missouri Garment company, on instructions of the plant superintendent, stood in the street and turned away all workers who arrived at the plants in motor cars and taxicabs.

"Don't risk it," he told them. "You will get hurt."

Each group of nonstrikers that turned away brought cheers from the strikers and sympathizers, who continued their slow march past the door.

#### Entering Fourth Week

Police said the situation Monday morning at the plants was by far the worst they had encountered in the strike, which is entering its fourth week.

A large group of men sympathizers assembled across the street from the factories, watching the picketing. One of the office workers in the Gernco plant, Yale Wolf, tried to run the picket line and was repulsed. He went across the street and immediately was struck in the mouth and knocked down by a man sympathizer. Wolf was unable to point out his assailant to police.

A large group of nonstriker women also assembled across the street. Several strikers went over to talk with them and try to persuade them to join the union. That resulted in a fight and the arrest of three women.

One traffic accident was due indirectly to the picketing. Almost in front of the entrance to the plant, a beer truck halted and a following motorist crashed into the rear of it. The car was badly damaged.

#### JOHNSON IN NEW ROLE

NBA Hand in Advice

Pay check Monday 15 to April

New tin all the men were membership the United America, such a but ly in the thus displ Hall, Det dent of t who repr negotiation ficials.

Pickets, around the chairman committed, the plant were with shift came

#### Butler as Strike

The roll in the plant pany plant street, Mon end of a st which had a settlement

Nearly thron a sat strike gun went back t ule Monday an aggressive ment and ciation of h err.

There w the strike

after having gained recognition of their union as the collective bargaining agency for its members.

#### Six CIO Unions Form Central Organization

Leaders of six Committee for Industrial Organization unions formed a central permanent organization for this vicinity Sunday night after participating in negotiations connected with several strikes.

The union leaders were addressed by Ed Hall, second vice president of the United Automobile Workers of America, who came here in connection with a sit-down strike at the Ford Motor company.

Upon Hall's advice, the leaders

K.C. Journal Post-April 5, 1936  
NATIONAL LABOR BOARD  
CASE NO. 1342  
EXHIBIT 31  
IN THE MATTER OF DUNNALLY  
CATE 5-4 2 WITNESS  
DANIEL W. ROSS, OFFICIAL REPORTER  
BY B. W. HARRIS

#### IT KNOWN.

By United Press

VIENNA, AUSTRIA, April 5.—The Duke of Windsor is line charting a campaign to offset rumors Mrs. Simpson is activities by remote control, it was reported Monday. Allen, the duke's solicitor, is aiding in drafting the marriage and in mapping out the duke's investments. been enlisted also, it

an effort to persuade papers that the duke is y himself to a frugal down his expenditures ing his consumption leged restrictions, it is said, are attributed by the newspapers to Mrs. Simpson's "influence." The duke is said to feel that people might get the impression he is under undue influence of his American-born sweetheart.

#### BELIEVES INSTITUTION'S WRITTEN

ed from Page 1.

other solemn declar- amendment. Constitu- es ought not to be to convenience nor questionable prece- tain reasoning."

started from his text to in the constitution d not whittled away eoning."

re Butler joined Mc- he dissent which was only business of the day.

d supreme court deci- sionality of the Wash- ington act was not pre- Monday is now the at which the Wagner s announced.

accuses Woman.

Ethel Coawans, convicted without jury trial of unlicensed selling of railroad tickets. McReynolds emphasized the fact it was a woman involved—a fact which immediately brought to listeners' minds last week's bitter court division over the Washington state minimum wage law for women.

"Our social predilections are so strong within us that we cannot consider this a petty offense," said McReynolds of the ticket selling case. "What is to become of the other solemn declarations of the amendment? (Sixth amendment guaranteeing right of trial by jury.)"

"Does this mean that she may be denied a speedy trial, a right to appear and face the charges, to

injunction restraining the Georgia Power company from prosecuting a suit against the Tennessee valley authority.

It refused as it has several times in the past to hear a request for an injunction against a national labor relations board hearing.

It declined a new test of the municipal bankruptcy law, outlawed in a court decision last year.

The Georgia Power company had asked the court to stay an injunction which it held prevented it from an action originating in the Tennessee federal courts against the TVA. Refusal of the supreme court to issue the stay was believed here to eliminate the Georgia Power company from the Tennessee action—an action in which 19 separate utility companies had joined.

#### FIRE KILLS 6 CHILDREN

#### Parents Burned Severely in Pennsylvania Home.

PORT ALLEGHANY, PA., April 5.—(UP)—Six children were burned to death Monday in a fire which destroyed their 2-story frame house. The victims were the children of Mr. and Mrs. Gerald Sweeney. The parents were burned severely. The children were trapped by an explosion. Firemen stood by helplessly when the water supply gave out.

#### KIRKSVILLE'S MAYOR RESTING COMFORTABLY

KIRKSVILLE, MO., April 5.—(UP)—Mayor Gail A. Jacobs was reported resting more comfortably Monday than at any time since March 30 when he was injured critically by an explosion of blasting powder that had been placed in his automobile in a murder plot.

His left leg was amputated Saturday night. He was reported to have sustained a fairly painful fracture

Byrnes and his supporters insisted on a vote on the amendment, contending a declaration of senate attitude toward sit-downs might be lowered to await action on separate resolution.

WASHINGTON, April 5.—Recent visitors to the White House report President Roosevelt's opinion on sit-down strikes to be that the technique is illegal and that public opinion will cause labor to abandon or alter it.

The administration attitude is that there is no authority for federal intervention in these strikes, especially under existing interpretations of the constitution. It appears Roosevelt does not consider the sit-downers to be un-American elements bent on subversive objectives, as do some adverse critics of current labor methods.

Roosevelt already is on record, however, in favor of making labor unions responsible for the actions of their membership—a policy which would discourage the so-called "unauthorized strike."

There is no immediate prospect, however, of a presidential statement on the sit-down technique unless there is some fundamental change in the situation. The White House policy of silence is in contrast with the alarm of some notable congressional Democrats and their eagerness to obtain a repudiation of sit-downs either from the president or in the form of an expression of senate sentiment.

Meanwhile, powerful forces are playing on the capital-labor situation and their influence is tending toward adjustments to relieve industry of sit-down strikes and to re-

#### Dentists

Dr. T. L. Barnidge  
Dr. L. C. Gartin

8:30 A. M. TO 8:00 P. M.  
NOT OPEN ON SUNDAY

1017 Walnut St.  
OVER JACCARD'S JEWELRY STORE

2ND FLOOR, NORTH OF  
EMERY, QIRD, TRAYER B. C. CO.  
Victor 1815

#### WEDDING RINGS \$3.95

Open 2  
Charge  
Admission  
MASS RICE

tending a declaration of senate attitude toward sit-downs might be lowered to await action on a separate resolution.

WASHINGTON, April 5.—Recent visitors to the White House report President Roosevelt's opinion on sit-down strikes to be that the technique is illegal and that public opinion will cause labor to abandon or alter it.

The administration attitude is that there is no authority for federal intervention in these strikes, especially under existing interpretations of the constitution. It appears Roosevelt does not consider the sit-downers to be un-American elements bent on subversive objectives, as do some adverse critics of current labor methods.

Roosevelt already is on record, however, in favor of making labor unions responsible for the actions of their membership—a policy which would discourage the so-called "unauthorized strike."

There is no immediate prospect, however, of a presidential statement on the sit-down technique unless there is some fundamental change in the situation. The White House policy of silence is in contrast with the alarm of some notable congressional Democrats and their eagerness to obtain a repudiation of sit-downs either from the president or in the form of an expression of senate sentiment.

Meanwhile, powerful forces are playing on the capital-labor situation and their influence is tending toward adjustments to relieve industry of sit-down strikes and to re-

their own fine old German recipes which are the pride of the Bavarian Rathskeller.

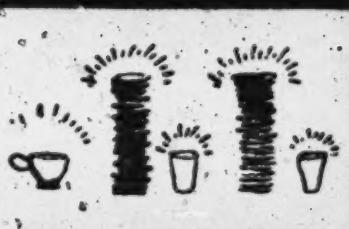
Receive Your German Recipes!

No Charge for Admission.

Auditorium—Third, Main.

# HOT WATER . . . . for

## BATHS



## DISH WASHING

## SHAVES



and every other  
HOUSEHOLD NEED

# RENT

an Automatic  
C.A.C.



## Dentists

Dr. T. L. Barnidge

Dr. L. C. Gartin

8:30 A. M. TO 8:00 P. M.  
NOT OPEN ON SUNDAY

1017 Walnut St.

OVER JACCARD'S JEWELRY STORE

2ND FLOOR, NORTH OF

EMERY, BIRD, THEATER B. C. CO.

Victor 1815

WEDDING RINGS \$3.95

Open 2  
Charge  
Master  
MISER



1. 1937.

# KANSAS CITY JOURNAL-POST.

successfully defended Barelli  
Judge Harris Monday.  
d the delay, demanding  
lient be given an opportu  
in immediate trial.  
'e are ready and eager for  
to start," Waldman asser  
protest was overruled.

discussing Barelli's t  
res expressed surprise Tues  
the state's principal witn  
ge Edwards, who said he tri  
d a load of tires from the  
ant's home to a warehouse.  
le to identify the accused n  
e jury that acquitted Ba  
erated only an hour and  
ries. The defendant offered  
mony to defend himself aga  
charge. After the state re  
use at 3:30 p. m. Monday, W  
filed a demurrer to the  
e. The theft of the tires had  
proved, Waldman conten  
the defendant had not b  
lusively connected with

dge Harris overruled the  
er.

Theft Revealed January 2.  
ite witnesses testified that  
of the 151 tires was discove  
ary 2 and that they were id  
l six days later at the Busy  
sfer company warehouse, 1.  
ut street.

Phil Hoyt of the police inte  
unit testified that he and  
learned that 53 tires had b  
d January 2 in the W. E. M  
Transfer company wareho  
Grand avenue.

'e watched the warehouse cl  
hil January 7," said Lieuten

"At that time 53 tires w  
led out and trucked to  
Bee warehouse."

utenant Hoyt then told of  
another truck take 53 m  
to the warehouse.

rtin Wagner, a detective

IN THE MATTER OF  
DATE 8-5-42 WITNESS  
DANIEL W. ROSS, OFFICIAL REPORTER  
BY J. W. ROSS

RECEIVED 1/382  
EXHIBIT NO. 32

K.C. Journal-Post - April 6, 1937

## STRIKERS AGAIN BAR 3 GARMENT PLANTS' CREWS

### But Scene Is Much Less Riotous Than One of Preceding Day.

Striking members of the Interna-  
tional Ladies' Garment Workers'  
union and sympathizers again kept  
production workers from going to  
their tasks in three garment fac-  
tories at 2617 Grand avenue Tues-  
day morning.

Only three or four non-strikers  
of the dozen or so who appeared  
at the scene attempted to run the  
picket line, established again at the  
rear entrance on Walnut street, but  
they were repulsed. Several of the  
office force of the Gernes Garment  
company, however, gained entrance  
at the front door on Grand avenue.

The strike situation was consider-  
ably less acute Tuesday morning  
than on Monday because fewer non-  
strikers tried to enter the plant and  
because the number of pickets  
marching up and down in front of  
the doors had been limited by the  
union to a scant 20 or 25 on orders  
from Otto P. Higgins, director of  
police. A hundred or more others,  
however, stood across the street or  
occupied a nearby restaurant.

Meyer Perlstein, St. Louis, district  
director of the union, arrived here  
Tuesday morning. He said he ex-  
pected "some important telephone

calls" and might have something to  
announce later in the day.

Miss Wave Tobin, business agent  
of the union, who was among 20  
women cited Monday for contempt  
of court for alleged violation of the  
injunction against violence issued  
by Judge Darius A. Brown, said  
none of the pickets on duty Tues-  
day was named in the injunction.

## WYANDOTTE HIGH LANDSCAPING DEAL DRAWING PROTEST

### Petition to Block Approval of Contract Circulated in K. C. K.

A petition protesting the award-  
ing of a contract for the landscap-  
ing and grading around the new  
Wyandotte high school to the L. G  
Barcus Construction company was  
drawn up and circulated Tuesday  
by a group of taxpayers and prop-  
erty owners living in Kansas City,  
Kas.

The petition stated that the low-  
est bid, one allegedly made by R  
G. Aldridge in full compliance with

## Kill Your Piles!

Don't let itching bleeding internal or  
protruding piles sap your vitality and  
cause an expensive, painful operation. In  
15 minutes you can stop the pain and  
quickly shrink sore swollen tissues with  
the Doctor's new prescription China-Roid.  
It's guaranteed to fix you up in 15 days  
or money back. Ask Kott Crown, Post  
vise or any drug store for guarantee  
China-Roid

require  
passed  
bid, w  
\$120,000

The  
tice of  
tract b  
sent th  
peka v  
said be  
tract t  
b

The  
E. Law  
PWA,  
names  
docume

The  
ers "he  
to refr  
tract a  
by said  
of educ  
and fur  
that th  
him in  
of sign  
be unne  
above t

The  
the con  
a meet  
March 1

(Responder

37

# CALL OF THE ROAD



# LINDY'S MISSING 3

## Woman Uses Horsewhip

ATE WIFE OF  
TY FIREMA  
AKES ATTAC

Manager Is Uninjur  
in Episode Near  
Office.

Judge H. F. McElroy, c  
ager, Wednesday  
k just outside his off  
e city hall by a hor  
wielded by Mrs. La  
M. Wyatt, 3314 E  
nty-third street, wife  
y fireman.

Wyatt, placed under a  
ree lieutenants of police,  
to the matron's room at p  
quarters, where she was

Then Judge McElroy  
Higgins, director of  
instructed him not to fil  
s against her. He take  
hold until her husband  
notified. When Wyatt  
at police headquarters,  
rred over to his custody.  
for an "unlawful" a  
y said, "the incident

CASE NO. 1382  
IN THE MATTER OF  
DATE 5-5-42  
WITNESS  
DANIEL W. ROSS, OFFICIAL REPORTER  
BY B. W. ROSS

K.C. Journal-Post-April

HIGGINS CLEARS  
NON-STRIKERS'  
WAY TO PLANTS

Police Director Tires of  
Violence by Women in  
Garment Mixup.

Picture on Picture Page.

For the first time since a strike  
was called several weeks ago by the  
International Ladies' Garment  
Workers' union at the plants of the  
Gordon Brothers Manufacturing  
company, the Gernes Garment com  
pany and the Missouri Garment  
company, the day opened without  
violence Wednesday when non-  
strikers reported for work at 2017  
Grand avenue. As a result more  
workers entered the building.

Otto P. Higgins, director of police,  
had taken personal charge of police  
activities at the scene.

Director Higgins cleared the block  
from Twenty-sixth to Twenty-sev  
enth street on Walnut, made all  
spectators and strike sympathizers  
move on and permitted only five  
peaceful pickets to remain within  
the territory adjacent to the rear  
entrance of the plants.

He also established a cordon of  
men from the rear to the entrance  
of a freight elevator, which was  
used by non-strikers in reaching

Rudy Valee Again in L  
As Fists F



(Respondent)



quarters, where she was  
Then Judge McKelroy  
P. Higgins, director of  
instructed him not to file  
against her. He asked  
held until her husband  
notified. When Wyatt  
at police headquarters  
turned over to his custody.  
Wyatt said, "the incident

"Thank you, officers."  
I did not see for  
Mrs. Wyatt said, "but in  
of all the firemen in

McKelroy had been at  
hearing of the city plan  
and had started for his  
when the attack occurred.  
reached the door, with  
attack said, when the we  
had been pacing back and  
corridor, suddenly stepped  
and swung at him with  
whip.

woman told George Gooch,  
in the office, she wanted to  
Judge McKelroy as she was from  
the city.

would like for him to recom-  
a good hotel," she said.  
at's impossible," Gooch re-  
"The city manager doesn't  
mend hotels."

Wyatt remained in the lobby.

OFFICIAL REPORTER

EXHIBIT NO. 33

OST- April 7, 1937

had taken personal charge of police activities at the scene.

Director Higgins cleared the block from Twenty-sixth to Twenty-seventh street on Walnut, made all spectators and strike sympathizers move on and permitted only five peaceful pickets to remain within the territory adjacent to the rear entrance of the plant.

Use Elevator

He also established a system of pickets from the door to the entrance of a freight elevator, which was used by non-strikers in reaching their places of employment on the upper floors of the building.

Two groups of non-strikers, approximately 100 in all, were taken up on the elevator.

Prior to establishing the police cordon, Director Higgins said:

"This rough stuff is becoming a public nuisance. It is interfering with business in the block and there have been many protests from business men not involved in the strike and from their customers who have feared to approach the places of business. Police officers have been bruised and mauled and their clothes torn. One officer was thrown to the sidewalk and set

Turn to Page 2, Column 5.

# TWELVE DOWN LADDERS



BOSTON, April 7.—Rudy found himself the center of t following a reported altercation. crowded Shubert theater lobby Tuesday. Vallee and Judy Stewart, Broadway star when the light of a camera, handled flashed in their faces. Vallee's publicist tactics as he wrested the camera from

(Respondent's Exhibit 33.)



Swanson and Fred J. Wolf

As soon as receivership authority in the Industrial is transferred to McCammon, control of all building and loan companies in real estate in Kansas City will have

K.C. Journal - Post - April 7, 1937

Chairman for the meeting  
of Henry M. Boudakery,  
Santaban and Fred J. Wolf.

## STRIKERS GET CHANCE TO RETURN

LIN, MO., April 7.—(U. S. News Service) Judge H. W. Haworth, district WPA judge, Wednesday responded to cancel further public hearings and announced he would allow 245 persons who went on a hunger strike to return to work. Some of the strikers' requests were granted. A protest had been held by the strikers against two foremen whom workers accused of trying to speed up operations.

## THIS AND FUNERALS

Funeral for Mrs. Mary Ellen Smith, 68, died Tuesday night at her home, 1404 North 10th street. Burial will be held in Mount Carmel cemetery, Chicago. The funeral will be held in Indianapolis, Ind.

Funeral for Mrs. Mary Ellen Smith, 68, died Tuesday night at her home, 1404 North 10th street. Burial will be held in Mount Carmel cemetery, Chicago. The funeral will be held in Indianapolis, Ind.

Funeral for Mrs. Mary Ellen Smith, 68, died Tuesday night at her home, 1404 North 10th street. Burial will be held in Mount Carmel cemetery, Chicago. The funeral will be held in Indianapolis, Ind.

Douglas said Wednesday that he had been assured the substitute bill would be given consideration at Jefferson City and that organization leaders here had told him it was acceptable to them. He expressed the fear, however, that lack of any real support in an organization way was the real stumbling block. He said there was danger the bill would be permitted to die in committee as has happened time and again in the last 10 years that Kansas City has been trying to get permanent registration.

Douglas, a former Democratic member of the election board, is well informed on registration and election laws and has been the co-author of several proposed permanent registration bills for Kansas City.

The bill he submitted last week was offered as a substitute for house bill No. 450, which was drafted by a city council committee headed by A. M. Gosssett. The latter bill had the approval of Mayor Bryce B. Smith and other administration leaders.

Then Miss Wave Tobin, business agent of the union, one of the women named, was pressed into service by the deputies and aided them in identifying the women sought.

Hearing on the contempt of court citations were continued to Monday at 9 a. m. by Judge Brown. Seven women served with the writs at the garment plants Wednesday morning. Miss Tobin, Far Wilburn, Clara Seston, Ella Frye, Anna Zupke and Rosalie Poole, who was served with two, appeared in Judge Brown's court. Twenty-one citations had been issued but the deputy sheriffs were unable to serve the others.

At the conference with Judge Brown Paul T. White and Harry L. Thomas, attorneys for the three garment companies, filed a motion to amend the motion to eliminate all picketing at the plants. Judge Brown set hearing on the motion for 9 a. m. Saturday.

Ralph Russell and Frank W. Aylward, attorneys for the union, filed a motion to dissolve the injunction.

"We made the motion on the ground that the companies are coming into a court of equity with unclean hands," said Russell. "We allege that they are operating sweat shops; that they have tried to break up the union organization, and that they have imported a St. Louis strike breaking organization to incite trouble. We charge that the garment companies themselves have been responsible for the trouble at

As soon as receivership authority in the Industrial is transferred to McCammon, control of all building and loan companies in re in Kansas City will have the new supervisor.

(Respondent's Exhibit 33.)

**FIRESTONE**  
**COURIER**  
**AS LOW**  
**AS**  
**47¢**  
**PER WEEK**

**Firestone**

2901 Grand  
C. B. 1935  
Licensed & Trained  
W. F. Allen

Deep 4.34. B.W.  
SATURDAY, APRIL 10, 1937.

KANSAS CITY

## GARMENT UNIONS GET CLOSED SHOP IN 3 MORE PLANTS

Total of Five Factories Have  
Signed Agreements  
Here This Week.

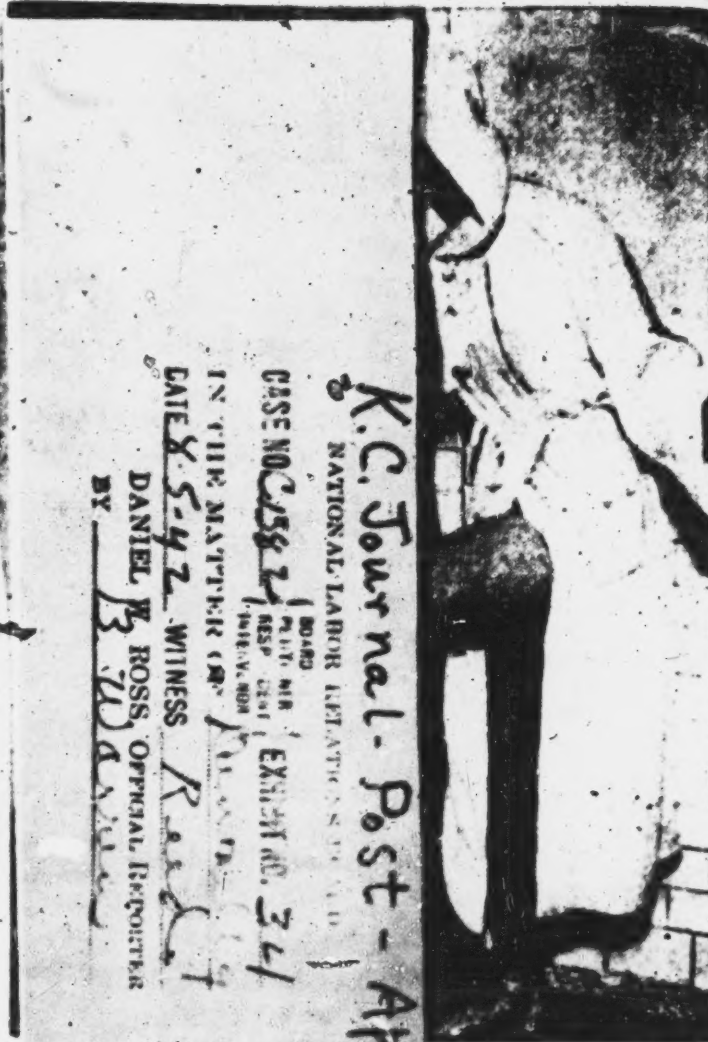
Three more Kansas City garment manufacturing companies Friday closed shop union agreements with the International Garment Workers union, a local affiliate, and one with the United Garment Workers of America, affiliated with the A. F. of L.

The Theo Azar company, 908-7 Broadway, and the Mayfair Manufacturing company, makers of women's undergarments and night clothing, signed with the International Garment Workers an agreement calling for a \$13 minimum for a 40-hour, 5-day week and arbitration of any disputes which cannot be settled among employer and employee or employer and union. They were not involved in the recent strikes.

The Goodenow Textile company, 11 Main street, manufacturer of men's underwear, approximately 100 of whose employees went on strike last week, signed with the International Garment Workers. The agreement calls for a 12½ per cent wage increase and a 40-hour, 5-day week. The plant was closed and picketed during the negotiations for a truce agreed to by union company officials.

Ray Perlstein, regional director of the International Ladies Garment Workers, and Miss Waverly Tobin, union representative, are negotiating with the Camille Azar company, 1000 Broadway, and with the Hurler Garment company. The latter company was one of those involved in the strikes of

## 'Shower Bath' Coed Is Reported as Missing



—Armo.  
to Martin. The picture of  
dined her so much notoriety.

K.C. Journal-Post - April  
NATIONAL LABOR RELATIONS BOARD  
CASE NO. C-5824  
IN THE MATTER OF  
EXHIBIT NO. 34  
FILED 5-4-2 WINESS  
DANIEL P. ROSS, OFFICIAL REPORTER  
BY B. W. A. R.

## G. E. NICHOLSON'S FUNERAL RITES TO BE HERE TUESDAY

Former K. C. Financier Dies  
Friday in Atlanta, Ga.,  
at 76.

Funeral services for George Nicholson, former president of Kansas City Gas company and Wyandotte County Gas company and a widely known zinc mine smelter operator, who died Friday night in Atlanta, Ga., will be Tuesday afternoon in Kansas City.

The honorary pallbearers:  
W. T. Kemper  
Cliff C. Jones  
George B. Longan  
William G. Holt  
M. B. Nelson  
J. C. Nichols  
James Keiser  
Harry T. Abernathy  
W. T. Grant  
A. L. Berger  
Albert Newmash  
Walter S. McLucas, Detroit.  
Charles Scott, Iowa, Kas.  
Thomas H. Bewhus, Iowa.  
Fred Horton, Iowa.  
G. A. H. Desautels, New York.  
Col. Hugh Hunt, Brownsville, Tex.  
Leonard E. Bayer, Birmingham.  
J. M. Donnelly, Birmingham.

The 76-year-old financier lived in Kansas City until four years ago. Since then he had spent much of his time in Atlanta where he had business interests, although he maintained his Kansas City home at 1028 West Fifty-eighth.

Mrs. Nicholson, who was 74 when he died, will accompany him back to Kansas City here at 2 p. m. Monday. Once considered the most important figure in the cement plants and zinc mines in the area. He also owned line properties.

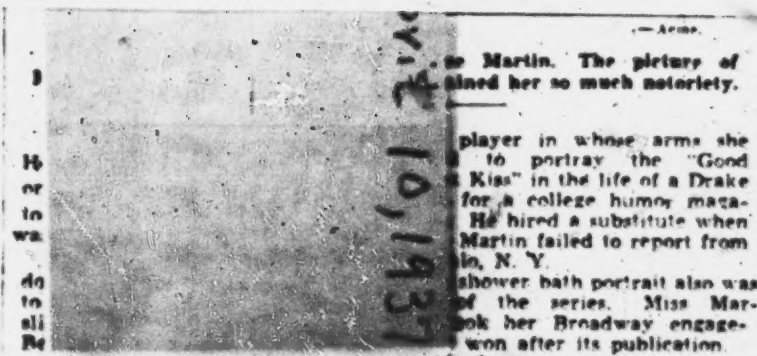
(Respondent)



speaks pay the representative, are negotiating with the Camille Azar company, 1000 Broadway, and with the Gernes Garment company. The latter company was one of three involved in the strikes affecting three companies located at Grand avenue. The other two, Gernes Garment company and John Brothers Manufacturing company, signed union agreements today.

## PAPER HITS AT NAZIS

**Bird GAGE** Manifesto is Circulated in Germany.  
**Service** BERLIN, April 19. (UP)—Secret all for and said Saturday a manifesto by a new "German Freedom" denouncing the Nazi government and demanding a return of democracy was printed abroad, and into Germany and remained in the country.



to Martin. The picture of lined her so much notoriety.

player in whose arms she to portray the "Good Kiss" in the life of a Drake for a college humor magazine. He hired a substitute when Martin failed to report from N. Y. shower bath portrait also was of the series. Miss Martin took her Broadway engagement after its publication.

## 'TUFFY' TO HOSPITAL

**Insanity Plea Indicated by Defense Move.**

Edwin J. (Tuffy) Hucksetine, 21-year-old former newsboy, who is scheduled to go to trial Monday before Judge Brown Harris on a charge of first degree murder, in

## BURD RITES MONDAY

**Death of Lumberman Was Unexpected.**

Funeral services for J. Laurence Burd, vice president and treasurer of the Burd-Miles Lumber company, will be held at 3:30 p. m. Monday in the Stine & McClure chapel, 2235

an important figure in cement plants, and zinc mines in the area. He also owned line properties.

At his death Mr. Nichols a cement plant at Atlanta other at Birmingham, in other interests. He plot development and operation plants in Kansas, and Tennessee and had in Oklahoma and Kansas. In 1919 Mr. Nichols head of a group of capitalists who purchased City Gas company and Little County Gas company controlled by C company.

Born in New 3 Since childhood he the Middle West. Born January 13, 1881, he Missouri with his parents in the At 21 he had a thorough practical training in the contracting business having learned it from his father. It was then his father took the y into business with him at Jc

dent's Exhibit 34.)



PHONE VICTOR 4000.

# KANSAS CITY JOURNAL-POST.

Wesp

## GRAIN NOTES

led receipts of grain in Chicago were 4 cars of wheat, 64 cars of oats, 11 cars of rye and 2 barley.

City elevator stocks of grain in with changes since Monday:

Wheat	8,350,750; decrease, 220,170
Barley	77,637; decrease, 10,878
Oats	380,780; decrease, 13,224
Rye	29,324; decrease, 24,149
Feed	94,224; decrease, 1,284
Total	91,906; increase, 2,200

Receipts of wheat:

Thurs	Wk ago	Yr ago
City	37	30
St. Louis	1	17
St. Joseph	11	3
Omaha	29	50
St. Joseph	30	14
Total	108	104

Receipts of corn:

Thurs	Wk ago	Yr ago
City	9	13
St. Louis	30	58
St. Joseph	23	37
Omaha	13	30
Total	75	138

Receipts of oats:

Thurs	Wk ago	Yr ago
City	3	1
St. Louis	21	31
St. Joseph	12	17
Omaha	13	8
Total	49	57

Receipts of grain at interior:

Wheat	Corn	Oats
City	4	10
St. Louis	9	9
St. Joseph	3	3
Omaha	3	3
Total	19	25

It was general during the past 24 hours in western Canada, with amounts about 1/2 to 1 inch. Light rains fell in North Dakota, Montana, Nebraska as well as in Illinois, Indiana and Ohio. Indications are for settled weather for the North today night and Friday. Fair and warmer is forecast for the West.

Cromwell wired Lamson Bros. & Salina, Kas., to the effect that wheat was reported by a state list in a letter dated April 20 in was stated: "In 1934 the winter was injurious to wheat across Kansas the Oklahoma line to Harvey north of Nebraska, and that fall to over and many garden plants."

corn was planted this week, but still much plowing to be done in in for planting, the weekly bulletin said. Wheat made good growth and ranges from good to excellent. Oats seeding is about completed.

fall of importance was received state during the past week and is generally backward, the weekly crop report said. Main is still needed over most of the

ed Argentine shipments of wheat were 2,248,000 bushels; corn, 1,740,000 bushels; oats, 483,000 bushels. It was open interest in grain futures in City Wednesday were as follows:

May	July	Sept
Wheat	1.397	1.323
Corn	70	131
Oats	1	1

## CATTLE PRICES SHOW STRENGTH

No Change in Hogs; Steers Quoted Steady.

Estimated receipts:

Thurs	Wk ago	Yr ago
City	3,000	1,000
Chicago	8,000	2,000
St. Louis	2,500	2,000
Omaha	8,000	2,000
St. Joseph	1,000	1,000
Total	22,500	8,000

Receipts of cattle in Kansas City most western market centers were local arrivals included a fair per of medium to good fat steers and some washing choice, however, was not strong. Early sales on the best and yearlings ranged around \$10.00.

Plain to common kinds sold down to \$8.00. Cows and butcher grades were steady, most cows again selling at \$8.00 to \$9.00, with some medium heifers up to \$10.00. Calves were the best veals quoted around \$8.00.

The market on stockers and feeders moderately free with kinds just a selling at firm prices and off mixed weights and broods again slow. Sales were reported around \$6.00 to \$7.00. Some feeders fat enough to come packers competition, were returned to country for finishing at \$11.00.

Estimated receipts:

Thurs	Wk ago	Yr ago
City	1,000	1,000
Chicago	12,000	10,000
St. Louis	8,000	8,000
Omaha	4,000	4,000
St. Joseph	3,000	1,000
Total	28,000	24,000

The market on hogs was fairly with prices fully steady with the best Wednesday. Numerous sales were up to \$11.00 paid by both shippers and packers. That was the top for the bulk of sales sold around \$10.00; heavies, \$9.00 to \$10.00; mediums, \$8.00 to \$9.00; lights, including light hogs, \$7.00 to \$8.00; packing sows were higher with quoted from \$9.00 to \$10.00; stock pigs quoted around \$5.00.

Estimated receipts:

Thurs	Wk ago	Yr ago
City	7,000	3,000
Chicago	12,000	12,000
St. Louis	2,000	2,000
Omaha	4,000	7,000
St. Joseph	1,000	1,000
Total	26,000	25,000

The market on fat sheep and lambs fully steady. Trade, however, was slow and late in starting. Some lambs sold early at \$12.00. Medium lambs ranged around \$10.00 to \$11.00. range of prices was also quoted of best fed lambs. Some medium good lambs sold early at \$12.00. Medium good lambs were quoted \$10.00 to \$11.00. In medium, \$11.00 to \$12.00; no sales were reported on yearlings and ewes were quoted \$8.00 to \$9.00.

Estimated receipts:

Thurs	Wk ago	Yr ago
City	2,000	2,000
Chicago	12,000	12,000
St. Louis	2,000	2,000
Omaha	4,000	7,000
St. Joseph	1,000	1,000
Total	21,000	24,000

Estimated receipts:

Thurs	Wk ago	Yr ago
City	2,000	2,000
Chicago	12,000	12,000
St. Louis	2,000	2,000
Omaha	4,000	7,000
St. Joseph	1,000	1,000
Total	21,000	24,000

## KANSAS CITY PRODUCE

Exchange Prices.  
The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

Exchange Prices.

The following prices represent other central points on the Kansas City market.

## DONNELLY WORKER WILL BE SENT TO UNION CONVENTION

Garment Organization Seeking Support for Strike at Plant.

Sylvia Hull, an employee of the Donnelly Garment company, has been named a delegate from Kansas City to the International Ladies' Garment Workers' union biennial convention May 3 at Atlantic City. Mayer Perlestein, regional director, announced Thursday.

The Donnelly worker, according to Perlestein, was one of a committee from that garment company who appeared Wednesday night before a joint group representing various Kansas City locals and requested representation at the national convention.

Perlestein said the Donnelly committee desired one of their number to appear at the convention and ask the international body to endorse and support a strike against their employer for failure to negotiate a contract for higher wages, shorter hours and improved conditions. The Kansas City joint committee, Perlestein asserted, agreed to pay all expenses of the Donnelly delegate.

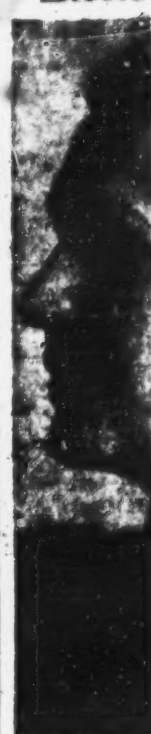
Other delegates from Kansas City are:

Cladovella Robinson and Grace Ballard, members of local No. 370 and employed by the Brand & Purin company; Louise Smith, local No. 114, employed by the Laverne Coat shop; Anna Koval, local No. 114, employed by the Fashionbuilt Garment company; Arlene Galtner, local No. 114, employed by the Gordon Brothers Manufacturing company; Ora Thornton and Annie Vaughan, local No. 330, employees of the Western-Sherman-Prine company; and Mrs. W. T. Tobin, business representative of the Kansas City locals.

Perlestein said the executive committee of the various local unions in Kansas City would meet Thursday afternoon to consider a resolution calling on the national organization to appropriate funds to carry on a strike at the Donnelly plant.

The delegates from this section will meet April 30 in St. Louis to go to Atlantic City by special train. Perlestein will be a delegate from St.

Elect



Mrs. Arthur McGee street, president of the club for the year.

VITAL

MAKING

Harry Schlober

Thelma

Coyol W

Geraldine

Leonard

Joan

Othello

Fannie

James

Annette

George

Dorothy

Dr. Kent

Dorothy

Henry

Walter

Core

Percy

Beattie

Richard

Edna

Joseph

Ida

John

Mary

(Respondent's Ex)

K.C. Journal-Post - April 22, 1937  
NATIONAL LABOR RELATIONS BOARD  
CASE NO. 1342  
IN THE MATTER OF  
DATE 4-5-42  
WITNESS  
DANIEL W. BOSE, OFFICIAL REPORTER  
BY R. H. HANSEN

ed Argentine shipments of wheat  
were 2,248,000 bushels; corn 7,  
sheels and oats 442,000 bushels.  
id open interest in grain futures  
City Wednesday were as fol-  
omitted:

	May	July	Sept.	Tot.
Wheat	660	1,397	333	2,390
Corn	7	131	133	271
Oats	1			1

	4,446	5,943	3,670	13,959
Receipts	288	886		1,174
Shipments	153			153

	Thurs.	Wk. ago	Yr. ago
Receipts	272,000	268,000	284,000
Shipments	497,000	337,000	284,000
Balance	312,000	156,000	190,000

Washington correspondent of the  
Times states that owing to the  
or economy the AAA has aban-  
ed for developing in the "new  
farm plans built around the  
snary crop insurance and ten-  
rogram. Secretary Wallace, al-  
luctant to discuss the effect of  
my drive upon his agricultural  
quoted as conceding that unless  
ry was forthcoming to finance  
hole thing will go out of the  
billion dollar production

best fed lambs. Some medium good  
lambs sold early at \$12.35. 3-4-5  
good lambs were quoted \$12.50  
to medium, \$11.15; no sales were re-  
on yearlings and ewes were quoted \$9  
ESTIMATE FOR FRIDAY.  
Kansas City, 200 cattle, 300 calves  
hogs and 2,000 sheep. Chicago, 1,000  
800 calves, 10,000 hogs and 9,000  
Omaha, 800 cattle, 300 calves, 1,500  
and 4,000 sheep. St. Joseph, 600  
400 calves, 2,000 hogs and 4,500 sheep.

### CHICAGO LIVE STOCK

CHICAGO, April 22.—(UP)—HOGS—Re-  
ceipts 13,000, including 5,000 direct. Mar-  
ket strong to 10c higher early. Top \$10.40;  
bulk good and choice 200-320 lbs. \$10.20-  
10.40; 150-190 lbs. \$9.75-10.20; good pack-  
ing sows 320-350 lbs. \$9.40-9.50; best  
pigs \$9.20-9.30.

CATTLE—Receipts 3,000; calves 1,500.  
Good and choice fed steers and yearlings  
slow, steady; common and medium grade  
active and firm to shade higher; these sell-  
ing at \$10.50 down; no strictly choice offer-  
ings here; bulk \$9.75 to \$11; best steers  
around \$14; but very few above \$12.50. All  
she-stock unevenly firm to the higher; both  
cows and heifers especially common and  
medium grades, selling at low high on  
crop. Bulls firm to 10c higher; weighty  
sausage bulls selling at \$7; vealers about  
steady at \$4.50-5.10; very few selected  
chipper kinds \$10.50; stockers and feeders  
more active at \$7.25-8.50.

NEW POTATOES—Texas Triumphs, 60-  
lb sack, U. S. No. 1, \$1.05-1.10; No. 2,  
\$1.00-1.10.  
PEAS—California, bushel hamper, \$2.25  
-2.50.  
Fruits.  
BANANAS—Florida, in bunches, 4 1/2 @ 4 1/2 c.  
ORANGES—Florida, Valencia, 60-65  
@ 3.50; California, navel, small to medium,  
\$3.50-3.75; large, \$4.50-5.00.  
LEMONS—California, box, fancy, \$6.00;  
\$4.75; choice, \$5.00; less.  
APPLES—Western, boxes, Delicious, ex-  
tra fancy, \$3.50-3.75; Wisconsin, extra fancy,  
\$3.25-3.50; fancy, \$2.25.  
GRAPEFRUIT—Texas, box, Marsh seed-  
less, \$3.25-3.75; Florida, \$3.50-4.  
STRAWBERRIES—Louisiana, 34-pint  
crate, Klondike quality, \$3-3.10.

### CHICAGO PRODUCE

CHICAGO, April 22.—(UP)—EGGS—  
Market, firmer; receipts 34,700 cases.  
Fresh graded firsts, 23c; dirties, 19 1/2 c.

tion calling on the national organi-  
zation to appropriate funds to carry  
on a strike at the Donnelly plant.  
The delegates from this section  
will meet April 30 in St. Louis to go  
to Atlantic City by special train.  
Perstein will be a delegate from St.  
Louis. The convention will last two  
weeks.

### DEATHS AND FUNERALS

Baker, Leon  
Frazier, Eva Lucille  
Coyton, Elizabeth  
Barnes  
Lan, Bertha Harvey  
Nichols, James F.  
Taylor, Myman  
Walden, Lilla M.

Baker, Leon  
Frazier, Eva Lucille  
Coyton, Elizabeth  
Barnes  
Lan, Bertha Harvey  
Nichols, James F.  
Taylor, Myman  
Walden, Lilla M.

Frazier, Eva Lucille  
Coyton, Elizabeth  
Barnes  
Lan, Bertha Harvey  
Nichols, James F.  
Taylor, Myman  
Walden, Lilla M.

Mrs. Le  
Percy A.  
Beattie O.  
Richard  
Edna W.  
Joseph J.  
Margaret  
John B.  
Mary A.

Arthur  
Ellen  
Mary  
Grace

Marie  
Norman  
Frances  
Lillian  
Myrtle  
Willa  
Pearl  
Dorothy M.

Dorothy M.  
Shirley  
Dorothy V.  
Mildred  
Alma  
Hazel E.  
Hedwig  
Charles  
Myrtle C.

week:  
The court also ordered the property  
restored to the trustees. The apart-  
ments were valued at about \$400,000  
each in the application for the writ.

The writ was made returnable in  
thirty days in the supreme court for  
argument on the merits. The peti-  
tions listed Barnett L. Romet, Charles  
J. Young and Rhodes as trustees for  
the Riviera and the same group, with  
Clark, as trustees for the Villa Lo-  
carno.

The receivership application was  
filed before Judge Bird April 7 by  
Fred L. Bellemere, Kansas City law-  
yer, representing Mrs. H. V. Carson,  
a bondholder.

The application for the writ of pro-  
hibition said the receivership was  
granted by Judge Bird without any  
notice to the trustees or without giv-  
ing them an opportunity to be heard.  
The trustees also alleged the granting  
of the receivership was a "palpable  
abuse of discretion" on the part of  
Judge Bird.

Rhodes and Clark were here to ap-  
pear before the court today to urge  
the prohibition and Bellemere ap-  
peared to oppose the writ. The court  
considered the matter in conference  
after hearing the arguments of the  
lawyers.

It also was alleged that Werby took  
possession of the apartments imme-  
diately after the receivership was  
granted by Judge Bird. The order of  
the supreme court will restore the  
management of the two apartments to  
the trustees pending a final de-  
termination of the writ by the su-  
preme court.

### MRS. BRILL MAY GO TO JAPAN.

No Chance for Reconciliation With  
Mate, She Says.

(By the Associated Press.)

Los Angeles, April 22.—Mrs. Nan  
Pierson Brill, whose wealthy husband,  
William Hunsaker Brill, is seeking  
an annulment of their marriage, said  
yesterday she planned to leave this  
week for Japan, "to get away from  
it all."

Mrs. Brill, accompanied by two  
bodyguards, who so far have succeed-  
ed in keeping her from being served  
with official notice of the suit, spent  
the day at the beach.

"There isn't a chance for a recon-  
ciliation now," she said. "I've lost  
five pounds this week from worry  
over the embarrassment Bill has  
caused me."

Trailer company of Detroit, the Friedman-Harry Marks Cloth-  
ing company, Inc., of Richmond, and the Associated Press, were  
5 to 4 decisions.

One Opinion Is Unanimous.

The court was unanimous in the Washington, Virginia and  
Maryland Coach company case.

Justice Roberts, who has held the balance of power in some 5 to 4  
decisions, delivered the 5 to 4 opinion holding the Wagner act did not vio-  
late freedom of the press and could be applied to the Associated Press. He  
also delivered the unanimous decision in the Coach company case.

Chief Justice Hughes, who was 75 years old yesterday, delivered the  
opinions in the other three cases. Mrs. Hughes, from a front row seat,  
listened intently.

The four dissenting justices—Mc-  
Reynolds, Sutherland, Van Devanter  
and Butler—in an opinion read by  
McReynolds, contended the court's  
rulings in the Wagner cases reversed  
the view of interstate commerce ex-  
pressed in decisions outlawing NRA  
and the Guffey coal act.

In these two decisions, the court  
had said:

"The local character of mining, of  
manufacturing and of crop growing is  
a fact, and remains a fact, whatever  
may be done with the products."

"Employees," Hughes asserted in the  
Jones & Laughlin decision, "have  
as clear a right to organize and select  
their representatives for lawful pur-  
poses as the respondent (steel cor-  
poration) has to organize its business  
and select its own officers and  
agents."

Issue in Sit-Down Strikes.

The question of collective bargain-  
ing, upheld by the court in businesses  
engaged in interstate commerce, has  
been the major point of dispute in the  
recent series of sit-down strikes.

Under the decision, the legislation  
is applicable to all businesses held to  
be in interstate commerce.

The ruling, holding that a steel  
company, a trailer company and a  
clothing manufacturing concern were  
engaged in interstate commerce, broadened the applicability of the  
statute far beyond what its oppo-

ponents contended were the proper  
boundaries.

The coach company admitted its  
activities were in interstate commerce.  
In each of the five separate deci-  
sions, the tribunal sustained orders of  
the national labor relations board  
directing the reinstatement of em-  
ployees who had been discharged for  
what the government contended were  
"unfair labor practices."

The Minority Is Unchanged.

Justice McReynolds delivered the  
dissenting opinion in the steel, coach  
company (trailer) and clothing com-  
pany cases, with Justices Van De-  
vanter, Sutherland and Butler con-  
curring. Justice Sutherland read the  
dissent in the Associated Press case.  
The same justices were in the minority  
in each 5 to 4 decision.

Reading rapidly from the steel  
opinion and frequently glancing about  
the packed courtroom, Hughes as-  
serted that "the steel industry is one  
of the great basic industries of the  
United States, with ramifying activi-  
ties affecting interstate commerce at  
every point."

"The government," he continued,  
"aptly refers to the steel strike of  
1919-1920 with its far-reaching con-  
sequences. The fact that there ap-  
pears to have been no major dis-  
turbance in that industry in the more  
recent period did not dispose of the  
possibilities of future and like dan-  
gers to interstate commerce which  
Congress was entitled to foresee and  
to exercise its protective power to  
forestall."

Congress Within Rights.

respect to the free and appropriate  
exercise of the right of selection and  
discharge."

The chief justice said the Wagner  
law in its present application "goes  
no further than to safeguard the  
rights of employees to self-organiza-  
tion and to select representatives of  
their own choosing for collective bar-  
gaining or other mutual protection  
without restraints or coercion by their  
employer."

"That is a fundamental right,"  
Hughes continued. "Employees have  
as clear a right to organize and select  
their representatives for lawful pur-  
poses as the respondent has to organ-



(Wirephoto)

MORRIS WATSON, EDITORIAL EM-  
PLOYEE OF THE ASSOCIATED PRESS.  
TODAY ORDERED REINSTATED IN HIS  
POSITION BY THE UNITED STATES  
SUPREME COURT IN ITS FIRST DE-  
CISION INVOLVING THE WAGNER  
ACT.

me its business and select its own of-  
ficers and agents."

Trailer Opinion by Hughes.

The opinion in the Fruehauf Trailer  
case, also delivered by Chief Justice  
Hughes, upheld an order by the na-  
tional labor relations board directing  
the company to reinstate seven dis-

tra.  
Ti  
term  
stitu  
pern  
bapt  
refai  
pani  
cern  
new  
statu  
mote  
facti  
Ti  
con-  
tion  
trol  
play  
also  
stat  
com  
  
Ti  
amo  
sack  
Scot  
War  
Ti  
for  
of  
the  
man  
tion  
Ti  
emo  
tate  
Com  
lami  
with  
tute  
sack  
  
Ch  
up  
Jom  
clan  
of  
1  
Unit  
tion  
over  
th  
"I  
we  
with  
reind  
try  
and  
had  
guar  
play  
self-  
chose  
barg



# THE KANSAS CITY

12.

KANSAS CITY, APRIL 7, 1937—WEDNESDAY—

## HELEN MORGAN WILL BE WED.

Marriage to Unidentified American Is Plan of Singer.

(By the Associated Press.)

New York, April 7.—Helen Morgan, night club singer, sailed today, and said, "While abroad I am going to meet the man I love and marry him." The singer refused to identify the man, but said he is an American.

## TRY FOR PERPETUAL MOTION.

Man Wanted Off the Balance City 4m.

## WOMEN'S BATTLES STOP

### POLICE DIRECTOR TAKES CHARGE AT 2617 GRAND.

Garment Workers Enter Peacefully Between Lines of Officers—Seven Contempt Citations Are Served.

Police put a stop to the violence today at the three garment companies at 2617 Grand avenue where beatings, clothes tearing, and hair pulling have resulted between workers and union pickets. At the same time deputy sheriffs served seven of the twenty-one contempt citations issued by Judge Daniel A. Brown.

Otto F. Higgins, director of police, took charge of the police contingent this morning, and workers were insured peaceful entrance to the plants.

### THROUGH MIND OF POLICE.

Under Higgins's direction a line of uniformed officers was formed on each side of the freight elevator at the rear entrance of the building.

Yesterday, despite citations of contempt of court, and fifty-two policemen, there were skirmishes between union pickets and women workers, and many of the latter were kept from their jobs.

Today Director Higgins stood on the rear of a police patrol bus parked just opposite the freight elevator, and issued orders to his men to preserve order. The block on Walnut street was kept clear of motor cars, except those taking workers to the plants of the Gordon Brothers Manufacturing company, the Gerbes Garment company, and the Missouri Garment company, whose employees the International Ladies Garment Workers' Union of America has been attempting to organize.

### TIERED OF DISTURBANCES.

From the time of the recent...

## THE WEATHER—RAIN PROBABLE.

12 midnight	54	9 a. m.	60
1 a. m.	53	10 a. m.	60
2 a. m.	52	11 a. m.	60
3 a. m.	51	noon	60
4 a. m.	51	1 p. m.	61
5 a. m.	51	2 p. m.	63
6 a. m.	51	3 p. m.	63
7 a. m.	51	4 p. m.	63
8 a. m.	51	5 p. m.	63

The Forecast—Kansas City and Vicinity: Rain tonight and probably Thursday morning; slightly cooler.

Relative humidity, noon, 60 per cent.  
Wind velocity, noon, 11 miles; from the east.  
River stage today, 7 a. m., 63 feet; fall of 3 feet.  
Precipitation in twenty-four hours ending 7 a. m., .05 inch.  
Lake of the Ozarks, 7 a. m., 2.7 feet below full reservoir.  
(Government forecast for grain area on market page.)

## SEARCH FOR THE LINDYS

NO GREAT ALARM IS FELT FOR THEM, HOWEVER.

Unreported Since They Left Zagreb, Jugo Slavia, Yesterday, the Flyers Are Sought by Austrian Planes.

(By the Associated Press.)

VIENNA, April 7.—All Austrian gendarmes, especially those in Alpine posts, were instructed today to be on the alert for some sign of Col. and Mrs. Charles A. Lindbergh, unreported since they took off from Zagreb, Jugo Slavia, yesterday morning.

Airplanes made search flights from Innsbruck, Salzburg, Klagenfurt and Graz, but a systematic hunt was difficult because of bad weather.

Presumably the Lindberghs were on the way to their English home.

### FUEL FOR SHORT FLIGHT.

When they left Zagreb, the Lind-

## SNORES ON TRAIN TRACK

Engineers See Slumbering in Time to Stop.

(By the Associated Press.)

OSWEGO, N. Y., April 7.—John De Washington, Negro, was "jazzed" so he lay down to sleep—his head the inside rail of one track and feet across the inside rail of another high on a Cincinnati trestle.

Engineers of an outbound train saw an inbound train saw him in the stop.

Police were summoned. He hardly opened his eyes as the him into headquarters.

## REPORT GOLD PRICE

Rumor, Later Denied, Caused in Commodities.

(By the Associated Press.)

New York, April 7.—Prices of commodities dipped sharply following broad recessions in the don metal exchange and reported in Washington, that the government contemplated reducing the of gold as a measure against tendencies.

Copper futures broke 1 a pound, the limit for a single trading, on the New York commodity exchange, cotton futures were such as \$1.30 a bale, and futures sagged as much as 50 a pound. Later cotton standing prices improved somewhat.

The stock market opened lower with motors, steels and shares lower. Despite the sale of the Chrysler strike, shares of company sold off more than 50 Others to lose from \$1 to included Bethlehem Steel, United Steel, Goodyear Rubber, Am Copper, Kennecott Copper, National Harvester, American & Refining and Standard New Jersey.

In the bond market there was tional recessions all along the but trading was not heavy.

K.C. Star - April 7, 1937

NATIONAL LABOR RELATIONS BOARD  
CASE NO. 23823  
EXHIBIT NO. 36  
IN THE MATTER OF  
LATE 4542 WITNESS R 200  
DANIEL W. ROSS, OFFICIAL  
BY B. J. L. L.

it was  
e great  
ear-old  
a corn  
go.  
hs.  
d from

out of  
Sur-  
g sticks  
ed the  
g spec-

strikers  
praised.  
farmers  
g clubs

the lo-  
had a  
ders of

re com-  
to hos-  
of scuf-  
own.

farmers  
by the  
Legion.  
e arena  
hockey  
Eastern  
ship.

ine.  
lod help  
inside

extended  
free, in-  
vent into

led hats.  
a young  
nt while  
s await-

K.C. Star  
NATIONAL

CASE NO. 222

IN THE MAT-  
TER OF  
LATE 4-5-42

DANIEL  
BY B

A friend of the actor had reported in Madrid the side of his face had been creased by a machine gun bullet.

## PRESS ON TO WRECKED PLANE

Pilot Reports Searching Party Is on Right Track.

(By the Associated Press.)

WINSTON, Ariz., April 7.—Maj. A. D. Smith, pilot of a twin ship of the Douglas air liner that crashed on the slopes of the White Mountains, radioed Transcontinental and Western Air Express field here today that ground parties were still "seven or eight miles" from the wreckage when he dropped flares to guide them shortly after 10 o'clock.

the Gordon Brothers Manufacturing company, the Gerbes Garment company, and the Missouri Garment company, whose employees the International Ladies Garment Workers' Union of America has been attempting to organize.

### TIED OF DISTURBANCES.

From the rear of the patrol bus Higgins said:

"The workers are going in—and going peacefully. I told Miss Tobin (Wave Tobin, representative of the union) Monday afternoon that the fights were going to stop, and the pickets no longer were going to make fools out of constituted authorities, and beat these women workers up."

"I told her it would stop, and that if it didn't, she would be the first to go to jail."

"Peaceful picketing is all right, but when they bring in outsiders and paid agitators, that's different."

"And it's going to stay stopped," he declared emphatically. "We can't keep all these officers tied up here forever and risk endangering the rest of the city by lack of protection."

Higgins said a majority of the women pickets were hired by the union at \$1 a day and a street car pass.

The seven women appeared later before Judge Brown and, at the suggestion of the court, the hearing was continued until 3 o'clock Monday morning. The two deputy sheriffs told the court they believed they would be able to serve the citation orders on the remainder of the women by Monday. The women who appeared were Miss Tobin, Clara Benton, Fay Wilbourne, Anna Suppa, Mary Johnson, Ellen Frye and Rosalie Poole.

Lawyers for the garment companies today filed a motion to modify the injunction granted a week ago to en-

the plane of the plane of the plane, yesterday morning.  
Airplanes made search flights from Innsbruck, Salzburg, Klagenfurt and Graz, but a systematic hunt was difficult because of bad weather.

Presumably the Lindberghs were on the way to their English home.

### FUEL FOR SHORT FLIGHT.

When they left Zagreb, the Lindberghs were reported to have only enough gasoline to carry them to Austria, about two hours from Zagreb by air.

Friends of the Lindberghs in England were not worried, indicating they believed the Lindberghs were safe whether they landed secretly at some scheduled spot or had come down at some remote landing field.

### OPEN THE CAUSE OF ALARM.

When they left England in February, at the start of a tour that was to take them all the way to India, the Lindberghs were "lost" for twenty-four hours after their departure.

It was learned eventually they had landed at Pina because of fog and stormy conditions and embarked upon a sightseeing tour of the famous city without advising anyone of their unscheduled stop.

Later they were out of touch with the world for several days while in India, and at that time there was keen anxiety.

Pilots at the Zagreb airport still were waiting for the telegrams they said Lindbergh promised to send them "upon landing any place."

### TRAP INJURES ITS MAKER.

One-Legged Farmer Loses Other Leg in Explosion.

(By the Associated Press.)

ROCKFORD, Ill., April 7.—Weary of corn thievery, Frank Coleman,

company sold off more than \$4 Others to lose from \$1 to \$100. Included Bethlehem Steel, United Steel, Goodyear Rubber, Am Copper, Kennecott Copper, International Harvester, American & Refining and Standard New Jersey.

In the bond market there was tional recessions all along the but trading was not heavy.

Heavy foreign selling was a of the commodity decline. Tri ports said London had heard ports of a possible reduction gold price and that this, com with expressed fears that the w paredness demand for comas was falling off, started the dip

In all North American grains were off by from around a bushel to 1 1/2 cents. In Nev alk, hides and coffee futures

New York bankers said they expect a reduction in the gold although they acknowledged within the realm of possibility ducing the gold price, set since 1934 at \$35 an ounce, would to tomatically to lift the value currency dollar, although th content of the dollar would not sarily change.

A rise in the value of the would force prices lower in reals it and thus set as a deflation restrictive measure against a tion.

### NAZIS TRY FOUR CATHO

Chaplains Are Accused of M With Communists.

(By the Associated Press.)

BREILW, April 7.—Accused c treason, four high-ranking ch of the Catholic youth orgar went on trial with three othe mans today in the Nazi picke ple's court. They were charg subversive activity in trying t "a united Communist-Catholic The leading figure was Josef



nt while he dropped flares to guide them shortly after 10 o'clock.

Major Smith said he saw several automobiles parked near the group, indicating they were waiting for his directions before pressing on into the rugged area where the plane was sighted yesterday.

"I circled over the spot about thirty minutes," Major Smith told T. W. A. operators here. "The searchers were headed in the right direction when I left. I don't think they will have any trouble finding the location now."

### FHA EYES BUILDING BOOM.

Control Measures Will Be Used to Fight Inflation.

(By the Associated Press.)

WASHINGTON, April 7.—Federal housing administration officials said today they were ready to use several instruments of control against any runaway boom in residential construction.

Inflationary evils in real estate, they said, would impair the building program.

The average of all home building costs, including real estate, housing authorities estimated, advanced about 30 per cent in the last six months. Most of the increase came since the first of the year.

The FHA could combat inflation, officials said, by holding property appraisal for insurance to long-range values, which may be substantially below temporary boom values, they said.

### MORE RAIN IS EXPECTED.

Slightly Cooler Tomorrow, Mr. Hamrick, Forecasts.

RAIN IN DUST BOWL.

TAHSENE, KAN., April 7.—(A. P.)—A soaking rain started falling here early today, boosting crop prospects over the area. It was the best rain so far this year.

Rain tonight and probably Thursday morning, and slightly cooler is the forecast. Mr. Hamrick does not expect the mercury to go above 50 degrees tomorrow. The wind will be from the northwest.

No rain was reported today east and south of Kansas City, but good falls all less than an inch, were reported from Southeast Nebraska, Iowa, Kansas and Northwest Missouri. Lexington had 11 inch; Maryville, 48; St. Joseph, 18; and Ellder, 84. These reports came from Kansas.

Tupelo	27	Lawrence	20
Concordia	11	Manhattan	20
Hanover	37	Phillipsburg	37
Horton	10		

The Kansas City rain table:

Rainfall today	50
Rainfall this month	20
Deficiency this month	6.34
Rainfall this year	10
Excess this year	10



OTTO P. HECOX, DIRECTOR OF POLICE, TAKES COMMAND OF THE GARMENT WORKERS' DISTURBANCE TODAY AND LAYS DOWN THE LAW. NO DISTURBANCES.

join the union members from violence. They seek to enjoin the union women from picketing in any form. A hearing was set for 9 o'clock Saturday. At the same time lawyers for the union filed a motion to dissolve the injunction. The motion will be heard after the modifying motion is heard.

The seven citations for contempt of court were served at the scene today by Matt Shinnick and Harry Skinner, deputy sheriffs. They were unable to find the remainder of those named. Miss Tobin was the first served.

Miss Tobin had changed her customary attire of gray fur coat and white silk shirtwaist to a more somber garb of black woolen coat, smart gray tailored suit, and trim black felt hat.

### RACIAL CLASH IN PRISON.

AUBURN, N. Y., April 7.—(A. P.)—Twenty inmates of Auburn prison

1-legged farmer, set a trap near his crib which would explode dynamite when the crib door was opened.

Coleman forgot about the trap when he went to the crib yesterday. He opened the door. The dynamite blew off his other leg, destroying the crib and tore a 4-foot hole in the ground. He was taken to an Evansville hospital in dangerous condition.

### TWO DIE IN CRASH OF SHIPS.

LOWSON, April 7.—(A. P.)—The captain and one member of the crew of the Glasgow steamer Lairdmoor drowned today when the liner collided with the motorship Taranaki in a thick early morning fog in North Channel, between Black Head Cape Ireland, and the coast of Wigtownshire Scotland. The Lairdmoor sank.

### BLACK BAR ON ALIEN ARTISTS.

WASHINGTON, April 7.—(A. P.)—The house immigration committee ad-

"a united Communist-Catholic. The leading figure was Josef saint, provincial chaplain. Duesseldorf Catholic youth a Rossmant and Chaplain Karl er su Remscheid. It was c acted in full agreement with lain Frans Steber, leader Catholic Young Men's Assoc in Germany.

The prosecution alleged Clemens, general secretary of socation, permitted sub-lead the Catholic organization to with Communist functionaries

### NO ARRESTS IN SLUGG

Police Seek Three Men in on City Firemen.

The three men sought by th for the slugging of city firem (erday had not been arrested. The sluggers were reported i visited three fire stations, on door to the Country Club pol tion, and attacked firemen blackjacks.

### A BLACK LEGION AMONG

Activities in Arizona Are C 13 Influence of Film

(By the Associated Press.)

TUCSON, ARIZ., April 7.—Arc activities of a gang of boys w themselves the "Black Legio branded their members with pick, the Pima Count council demanded of i council today that it nance censoring movie

"Moving pictures of dealing with Black I in the East and oth of major criminal methods are largely this deplorable situa Mrs. William Bray, i co-ordinating council.

### LONG WENDEL I

Two Convicted in Twenty Years

New York, April and Martin Schlos Brooklyn, convicted o H. Wendel in conc Lindbergh kidnaping today to Sing Sing p twenty years to life

Murray Bleefeld, Schlossman and Weib but has not been set Parker, chief of Bur latives, and his son Jr., also were indic yet been extradited i Governor Hoffman having grant the extradition paper Wendel was kidnaped by February 12, 1934, from in Manhattan hotel and taken in Brooklyn. He was held ten days and allegedly tort

(Respondent's Exhibit 36.)





and elastic muscles train methods of offense and to augment police equipment handling riots, strikes and

comfortable waistlines for twenty-two members of the department who took through preliminary trainingnasium of the Kansas Club. Rigid training, in follow as soon as the accident at Ivoudupolis has disappeared. DIRECTOR LOOKS ON.

Gymnasium, members of 1 detail, whose ages range from 35 years, perspired as they did. There was medicine bending exercises a wrestling as Otto P. Higgins of police looked on. They were learning the art of offense and defense, expected to come in handy places where the objective is to disarm or disable among whom there might be without inflicting serious injury with an absence of fist

Higgins explained, is to dashed and major injuries during disturbances involving a

men will be taught to get along with the least amount. They will nip riots in the director said.

Games are to be held each Thursday and Saturday till 11:30 o'clock in the gymnasium till the men become exhausted.

brought saw in the numismatic market yesterday. It was an uncirculated specimen of the Panama-Pacific commemorative coin issued in 1915. It is said to be the most valuable of the various commemorative coins issued by the United States. An octagonal \$50 gold piece issued in San Francisco in 1852 sold for \$240.

## ALABAMA TORNADO KILLS.

Many Also Injured by Storm Which Hits Village.

(By the Associated Press.)

TROY, Ala., April 8.—A tornado killed at least one person injured numerous others and leveled houses in a lumber mill village at Brundidge, Ala., today. Fred Crowley, 12, was known to be dead.

L. R. Ray, a justice of the peace at Troy, said he was informed the storm struck the mill village, half a

The Gernes employees' organization will be an affiliate of the International Ladies Garment Workers' union.

Under the contract, women employees will receive a minimum of \$12 a week, with a higher basic rate for more productive workers. A minimum of \$10.40 a week will be paid to women apprentices for the first six weeks of employment. The settlement does not affect the dispute in the Gordon Brothers Manufacturing company and the Missouri Garment company, also operating in the same building.

Since the labor trouble began at 2617 Grand avenue March 17, employees of all three concerns have been using a freight elevator on the Walnut street side of the building. No provision was made in today's settlement for special identification of the Gernes employees. It was said peaceful picketing under police supervision would continue.

The Gernes company employs 200 persons.

## GARMENT WORKERS ARE SAFE.

Eighteen Patrolmen on Guard When Women Enter Plants.

Otto P. Higgins, director of police, was present again today where disturbances and violence had occurred at the three garment companies at 2617 Grand avenue when union pickets attempted to prevent workers from entering the plants. Today the workers entered the rear entrance on Walnut street peacefully between two lines of eighteen patrolmen. Eight pickets made no attempts to stop the workers.

WALK THROUGH FIERY PIT.

WASHINGTON, April 8.—The action of infuriated farmers in driving sit-down strikers out of the Hershey Chocolate factory in a hand-to-hand battle, brought predictions from members of Congress today of bloodshed all over the nation unless sit-down strikes are stopped.

The bloody fray at Hershey excited more interest among lawmakers studying the sit-down questions than any other thing that has happened since the first seizure of the General Motors plant in Michigan.

## SERIOUS TROUBLE IS SEEN.

"This means there is going to be serious trouble," said Representative Dies of Texas, Democrat, who is sponsoring a resolution for investigation of sit-down strikes.

"This thing has just begun. It is going to spread. There will be bloodshed unless public authority acts with courage. There will be vigilante organizations taking the law in their own hands if the sit-down strike wave continues, just as the farmers did at Hershey.

## SENATE IS GIVEN BLAME.

"And, say what you will, those leading these strikes believe that the government is with them. The fact that the senate adopted a pussy-footing resolution will increase that belief.

The sit-down strike has got out of the hands of those who started it. Regardless of what Secretary Perkins says about their being out of the way

president trades life if Texas

The gas and rival

(Respondent's Exhibit 37.)

4175  
The hotel at It said "Get

THE WEATHER—CLEAR.

# WAGNER ACT IS UPHELD

Supreme Court in Epochal Rulings Gives National Labor Board Control Over Employer-Employee Relationships in Interstate Commerce Businesses.

## BIG NEW DEAL VICTORY

Decision, Split 5 to 4, in Jones and Laughlin Case Widens Scope of Interstate Commerce Clause.

The Only Unanimous Ruling Brings Bus Company Under Federal Control of Transportation.

## ASSOCIATED PRESS ALSO LOSES

Justice Roberts Reads 5 to 4 Decision That Denies Interference With Freedom of the Press.

(By the Associated Press.)

Washington, April 12.—The Supreme court gave the government a major victory today by upholding constitutionality of the Wagner labor relations act as applied to all business engaged in interstate commerce.

Four of the Supreme court's decisions, involving the Jones and Laughlin Steel corporation of Pittsburgh, the Fruehauf Trailer company of Detroit, the Friedman-Harry Marks Clothing company, Inc., of Richmond, and the Associated Press, were 5 to 4 decisions.

Court Divides 5 to 4 in Support of Wagner Act.

WASHINGTON, April 12.—The Supreme court today upheld the constitutionality of the national labor relations act in five separate opinions which dealt with news transmission, interstate bus traffic and the manufacture of steel.

The court divided, 5 to 4, with Justices Sutherland, McReynolds, Van Devanter and Butler in the minority, in upholding constitutionality of the Wagner act in the Jones & Laughlin Steel corporation case; the Fruehauf Trailer company of Detroit; the Friedman-Harry Marks Clothing company, Inc., of Richmond and the Associated Press.

It was unanimous in only one decision: that involving the Washington, Virginia & Maryland Coach company.

reasons than such intimidation and coercion.

"The true purpose is the subject of investigation with full opportunity to show the facts. It would seem that when employers freely recognize the right of their employees to their own organizations and their unrestricted right of representation there will be much less occasion for controversy in respect to the free and appropriate exercise of the right of selection and discharge."

N  
Ari  
NE  
UP  
Th  
A  
Act  
c  
Sul  
of  
Pro  
nev  
tril  
cou  
alit  
labo  
right  
to  
cris  
fill  
enf  
in  
era.  
Ti

CASE NO. 1382  
 IN THE MATTER OF  
 LAURENCE S. WINN  
 DANIEL W. ROSS, OFFICIAL REPORTER  
 BY B. W. ROSS  
 K.C. Star-April 12, 1937  
 NATIONAL LABOR RELATIONS BOARD  
 EXHIBIT 10.38

The court also ordered the property restored to the trustees. The apart-



caused me."

SECURE FOR ANYONE WHO IS OPPON-

## STATORS AT HISTORIC SUPREME COURT SESSION TODAY—(Wirephoto).



Persons who went to the Supreme court building in Washington today were sure the Wagner labor relations act was upheld. Here is the vanguard of the crowd and hoping to be admitted.

**Congress Within Rights.**  
"It is not necessary again to detail the facts as to respondent's (Jones & Laughlin) enterprises. Instead of being beyond the pale, we think that it presents in a most striking way the close and intimate relation which a manufacturing industry may have to interstate commerce and we have no doubt that Congress had constitutional authority to safeguard the right of respondent's employees to self-organization and freedom in the choice of representatives for collective bargaining."

(The legislation guaranteed collective bargaining to workmen and set up the national labor relations board to aid in settling industrial disputes. It was termed "labor's magna charta" by William Green, president of the American Federation of Labor.)

"Employees," Hughes continued, "have correlative right to organize for the purpose of securing the redress of grievances and to promote agreements with employers relating to rates of pay and conditions of work. Restraint for the purpose of preventing an unjust interference with that right cannot be considered arbitrary or capricious."

### A Right to Hire and Fire.

"The act does not in any way interfere with the normal exercise of the right of the employer to select its employees or to discharge them. The employer may not, under cover of that right, intimidate or coerce its employees with respect to their self-organization and representation, and, on the other hand, the board is not entitled to make its authority a pretext for interference with the right of discharge when that right is exercised for other

the company to reinstate seven discharged employees.

"We have examined respondent's (trailer company) contentions," Hughes asserted, "and we are of the opinion that the findings of the board, with respect to the nature of the respondent's business and the circumstances of the discharges complained of are supported by the evidence."

The chief justice said "the questions relating to the construction and validity of the act have been fully discussed" in the court's opinion, just delivered, upholding the act, as applied to the Jones & Laughlin Steel corporation.

"We hold that the principles there stated are applicable here," he concluded.

### Bus Decision by Roberts.

In the bus company decision, Justice Roberts said:

"The act limits the jurisdiction of the board to instances which fall within the commerce power and if the board should exceed the jurisdiction conferred upon it, any party aggrieved is at liberty to challenge its action."

"The right to contract," McReynolds asserted in his dissent to the steel ruling, "is fundamental and includes the privilege of selecting those with whom one is willing to assume contractual relations. This right is unduly abridged by the act now upheld."

"A private owner is deprived of power to manage his own property by freely selecting those to whom his manufacturing operations are to be

(Continued on Second Page.)

berg  
Jo  
unio  
prot  
seem  
ford

(Respondent's Exhibit 38.)

han  
ing  
as  
Wa  
Con  
P  
v  
can  
to  
app  
who  
and

Well, I'll Tell You—

By Bob Evans.

## WAGNER ACT VALID

(Continued From First Page.)

entrusted. We think this cannot lawfully be done in circumstances like those here disclosed.

"It seems clear to us that Congress has transgressed the powers granted."

Although Justice Sutherland read his dissent to the Associated Press decision immediately after it was delivered, Justice McReynolds did not announce his dissent to the other three cases until after all had been decided.

Sutherland Is Brief.

Looking over the audience, he said: "I have written our joint views and I will not stop to read it. I think I can give you some understanding of what these opinions mean."

He then read provisions of the act and said it did not "prohibit strikes."

"This act is leveled at employers," he continued. "The character of employment has nothing to do with it. We are told the act is intended to prevent employers from discharging employees who belong to a labor organization."

"It has been held by this court for fifty years, and especially for the last two, that manufacture is only incidentally related to interstate commerce and Congress has no power to regulate it."

The court, in a 5 to 4 decision delivered by Justice Roberts, held the Wagner act was constitutional in its application to the Associated Press.

The majority decision held that the statute did not "abridge the freedom of speech, or of the press, safeguarded by the first amendment" to the Constitution.

A dissenting opinion was written by Justice Sutherland in which Justices Van Devanter, McReynolds and Butler concurred.

"They asserted 'the application of the act here has resulted in an unconstitutional abridgement of the freedom of the press.'"

Opinion by Justice Roberts.

Justice Roberts, who frequently has held the balance of power on the court in 5 to 4 decisions, said in his opinion:

"It is insisted that the Associated Press is in substance the press itself, that the Associated Press is the press."

providence of God, favored, as they sometimes boast, above all others in the plenitude of their liberties—desire to preserve those so carefully protected by the first amendment: liberty of religious worship, freedom of speech and of the press, and the right as freemen peaceably to assemble and petition their government for a redress of grievances.

"If so, let them withstand all hardships of encroachment. For the saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time."

Roberts, speaking for the majority, said "the freedom of the Associated Press is not immune from regulation because it is an agency of the press."

Press Rights Not Restricted.

"The publisher of a newspaper," he continued, "has no special immunity from the application of general laws. He has no special privilege to invade the rights and liberties of others. He must answer for libel. He may be punished for contempt of court. He is subject to the antitrust laws. Like others he must pay equitable and nondiscriminatory taxes on his business."

"The regulation here in question has no relation whatever to the impartial distribution of news. The order of the board in no wise circumscribes the full freedom and liberty of the petitioner to publish the news as it deems it published, or to enforce policies of its own choosing with respect to the editing and rewriting of news for publication, and the petitioner is free at any time to discharge Watson, or any editorial employee who fails to comply with the policies it may adopt."

## WAGNER ACT IN OUTLINE.

Rights of Employee and Employer Are Clear.

(By the Associated Press.)

WASHINGTON, April 12.—The Wagner national labor relations act, on which the Supreme court ruled today, states this public policy:

"Employees shall have the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activity, for the purpose of collective bargaining or other mutual aid or protection."

The act also states that it shall be an unfair labor practice for an employer:

To interfere with, restrain or coerce employees in the exercise of the

## BURNS FATAL TO A WOMAN.

Mrs. W. J. Schmittner Dies Following an Accident at Home.

Above the music of the radio William J. Schmittner last night heard the cries of his wife from her upstairs bedroom in their home at 391 Central street.

He ran upstairs and found his wife lying on the floor in a corner of the room. Her nightgown had been burned entirely away, and her body was burned severely. She was taken to St. Mary's hospital, where she died today.

Mr. Schmittner, deputy public administrator for Jackson County, said he was not certain how his wife's garment caught fire. She may have struck a match to light a cigarette, he said.

Mr. Schmittner's hands were burned slightly when he used a pail of his pajamas, hanging conveniently near, to extinguish the flames.

The Schmittners had no children. She was 66 years old, and was the daughter of the late George Michlingham, active in Democratic politics here. She leaves a half-brother, Emmett Michlingham of Cheyenne, Wyo. and two half-sisters, Mrs. Michael O'Hearn, 3 East Fifty-sixth street and Mrs. J. E. Tolin, 909 Garfield avenue, Kansas City, Kansas.

## C. OF C. PLANS TWO TRIPS.

Atchison, Kas., and Marshall, Mo. on Good Will Calendar.

The Chamber of Commerce will sponsor a 1-day good will trip to Atchison, Kas., May 6, and to Marshall, Mo., April 20. It was announced following a meeting today of the trade tour committee. The trip to Atchison will be by bus and the trip to Marshall by train.

JACK HENRY TAYLOR

TAILORED AT FASHION PARK



K.C. Star-April 12, 1937

CASE NO. 1382

IN THE MATTER OF

DANIEL W. ROSS, OFFICIAL REPORTER

other circumstance which aroused suspicion, he pointed out, was the fact the vote on a constitutional amend-



other circumstance which aroused suspicion, he pointed out, was the fact the vote on a constitutional amendment was identical, 343 for and 8 against.

When Phelps finished the first part of the arguments, court recessed until 1:30 o'clock.

#### "Case Not Made."

Madden, for the defense, made the closing statement, asserting the government had not proved a case against the five defendants.

"This is the first time in my career," he said, "that I have appeared in a criminal case in the federal court. It seems to me that the government has proved by its own witnesses and their testimony that these defendants are innocent. The government has said that 'someone' erased 'X' marks and made substitutions, but it has not proved beyond a reasonable doubt that any of the defendants changed them."

"The government must prove a conspiracy before this jury can convict these defendants. It never has been proved that any of the defendants entered into a conspiracy. To convict in this case in the federal court it must be proved beyond a reasonable doubt that defendants conspired."

"The important evidence is that erasures of 'X' marks were made. This case has no connection with any vote case which has gone before or may follow after. The circumstantial evidence the government has shown to the jury must be received with caution."

#### Benefit of Any Doubt.

"Of course, all the defendants are presumed to be innocent until they are found guilty beyond any reasonable doubt. If there is any doubt in your minds you must give the defendants the benefit."

"I am not so blind as not to recognize the fact there has been a crusade for honesty in elections. Whenever a crusade of this nature, when the public is aroused, there is danger to the safeguard thrown around defendants in a criminal case."

"An innocent man may be convicted in the effort to convict the guilty. I say the government spent nearly three days and has proved no more than I admitted in the first thirty minutes. I admitted ballots were changed. The government proved it. There is no dispute."

"The issue here now is whether any of the defendants changed the ballots. I say the government has not established that fact beyond a reasonable doubt."

"The jury should return a verdict of 'not guilty.'"

#### SEVEN ARE ARRAIGNED.

Judge Otis Proceeds After Calling Steps Out of Case.

court in 5 to 4 decisions, said in his opinion:

"It is insisted that the Associated Press is in substance the press itself, that the membership consists solely of persons who own and operate newspapers, that the news is gathered solely for publication in the newspapers of members."

"Stress is laid upon the fact that this membership consists of persons of every conceivable political, economic, and religious view, that the one thing upon which the members are united is that the Associated Press shall be wholly free from partisan activity or the expression of opinions, that it shall limit its function to reporting events without bias in order that the citizens of our country, if given the facts may be able to form their own opinions respecting them."

#### On Freedom of the Press.

"The conclusion which the petitioner draws is that whatever may be the case with respect to employees in its mechanical departments it must have absolute and unrestricted freedom to employ and to discharge those who, like Watson, edit the news, that there must not be the slightest opportunity for any bias of prejudice personally entertained by an editorial employee to color or to distort what he writes and that the Associated Press cannot be free to furnish unbiased and impartial news reports unless it is equally free to determine for itself the partiality or bias of editorial employees. So it is said that any regulation protective of union activities, or the right collectively to bargain on the part of such employees, is necessarily an invalid invasion of the freedom of the press."

"We think the contention not only has no relevance to the circumstances of the instant case but is an unsound generalization. The ostensible reason for Watson's discharge as embodied in the records of the petitioner, is solely on the grounds of his work not being on a basis for which he has shown capability."

#### Discharged for Guild Activity.

"The petitioner did not assert and does not now claim that he had shown bias in the past. It does not claim that by reason of his connection with the union he will be likely, as the petitioner honestly believes, to show bias in the future. The actual reason for his discharge, as shown by the unattached finding of the board, was his guild activity and his agitation for collective bargaining."

"The statute does not preclude a discharge on the ostensible grounds for the petitioner's action; it forbids discharge for what has been found to be the real motive of the petitioner."

"These considerations answer the suggestion that if the petitioner believed its policy of impartiality was likely to be subverted by Watson's continued service, Congress was without power to interdict his discharge."

an unfair labor practice for an employer:

To interfere with, restrain or coerce employees in the exercise of the rights guaranteed in the declaration of policy.

To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it.

By discrimination in regard to hire or tenure of employment of any term or condition of employment to encourage or discourage membership in any labor organization.

To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under the act.

To refuse to bargain collectively with the representative of his employee.

The act also sets up a labor relations board of three members to enforce the act's provisions and to conduct elections among employees when a dispute arises as to which of two or more labor organizations represent a majority of the employees for collective bargaining. The act provides that the majority unit shall speak for all employees in collective bargaining.

#### ALUMNI TO HONOR ABBOT.

The Rt. Rev. Stephen Schappler Will Be Consecrated Wednesday.

The Rt. Rev. Abbot Stephen Schappler, who is to be consecrated as head of Conception college, Conception, Mo., Wednesday, will be guest of honor at a dinner tonight at the Hotel Muehlebach given by the Kansas City alumni group of the college.

Dr. Leo J. Lata, Chicago, president of the national alumni organization, will be toastmaster.

The consecration ceremonies at the college Wednesday will be presided over by Bishop C. H. Ladd of St. Joseph.

#### SIT ON G. E. PAY DEMAND.

Electrical Union Asks Increase for 51,000 Employees.

(By the Associated Press.)

New York, April 12.—Demands for wage increases totaling 13 million dollars annually were discussed in a conference today between representatives of the United Electrical and Radio Workers of America and William R. Burrows, General Electric company's vice-president in charge of manufacturing.

The union delegates, headed by James B. Carey, president, are demanding a flat 10 cents per hour increase for 51,000 employees.

The increase asked by the union, Burrows said at the conclusion of this morning's discussions, would mean an annual wage increase of 13 million dollars over and above the recent general increase of 7 million dollars granted by the company.



The Modern

COPLEY

is a true masculine styling that complements and adds to a man's appearance.

\$45

and more

JACK HENRY

COUNTRY CLUB PLAZA

OPEN EVENINGS

Enjoy a

McGorman's

Breakfast—

in the Grille

An old style breakfast these cool mornings—Hot Buckwheat Cakes with Genuine Maple Syrup and our own Por. Sausage—and always Good Sweet Bacon with Eggs and Hot-Tost. To complete the above selections our Tiffin Room Coffee.

Daily Except Sunday

A few steps down—1108 Walnut

of 'not guilty.'

## SEVEN ARE ARRAIGNED.

Judge Otis Proceeds After Collect Steps Out of Case.

Following Judge John Oakley Collet's statement disqualifying himself to sit in any of the vote fraud cases, Judge Merrill E. Otis arraigned seven defendants indicted for vote irregularities in the ninth precinct of the twelfth ward.

Only five were present, two having sent certificates of illness. The two not present were:

COURT B. WENZ, Republican judge.

ARRY FARRIS, Republican judge. Those arraigned were:

WILLIAM HARRISON, 37 years old, 1300 College avenue, Democratic judge.

OLEN BARNARD, 48 years old, 1300 College avenue, Democratic judge.

ASSAULT B. LEVY, 37 years old, 1423 Benton boulevard, Democratic clerk.

MAURICE BRAUNT, 45 years old, 1318 College avenue, Republican clerk.

FRANK P. DIXON, 43 years old, 1311 Benton boulevard, Democratic precinct captain.

The defendants appearing were represented by William O. Bonbright and James Daleo, lawyers who have appeared for defendants in several of the vote fraud cases. Judge Otis allowed the defendants to continue their freedom under their original bonds of \$2,000 for the men and \$1,000 for the women, made when they were indicted.

Daleo asked when the defendants arraigned could expect to go to trial. Judge Otis said the case probably would be called the first week in June. He explained that there was only the one courtroom in the building large enough for all of the activities involved in a vote fraud trial and that it would be in use through May by Judge Albert L. Reeves and Judge Collet.

be the real motive of the petitioner.

"These considerations answer the suggestion that if the petitioner believed its policy of impartiality was likely to be subverted by Watson's continued service, Congress was without power to interdict his discharge. No such question is here for decision. Neither before the board (National Labor Relations board) nor in the court below, nor here has the petitioner professed such belief. It seeks to bar all regulation by contending that regulation in a situation not presented would be invalid. Courts deal with cases upon the basis of the facts disclosed, never with nonexistent and assumed circumstances.

"The act does not compel the petitioner to employ anyone; it does not require that the petitioner retain in its employ an incompetent editor or one who fails faithfully to edit the news to reflect the facts without bias or prejudice.

"The act permits a discharge for any reason other than union activity or agitation for collective bargaining with employees.

### Position Not Guaranteed.

"The restoration of Watson to his former position in no sense guarantees his continuance in petitioner's employ.

"The petitioner is at liberty, whenever occasion may arise, to exercise its undoubted right to sever his relationship for any cause that seems to it proper, save only as a punishment for, or discouragement of, such activities as the act declares permissible."

The national labor relations board had directed the Associated Press to reinstate Morris Watson, a New York editorial employee. Watson contended he had been dismissed because of activities in connection with the American Newspaper Guild. The Associated Press said he was discharged because his work was not up to his proven capability.

On the subject of freedom of the press, Justice Sutherland's minority opinion said:

"Do the people of this land—in the

crease for 81,000 employees.

The increase asked by the union, Burrows said at the conclusion of this morning's discussions, would mean an annual wage increase of 13 million dollars over and above the recent general increase of 7 million dollars granted by the company.

Carey said his impression was that the 7-million-dollar increase would be considered as part of the total sum demanded.

### WALK A PLANK IN THEFT.

Robbers to Seufert Building From an Adjoining Fire Escape.

Robbers who last night took scissors, razors and knives valued at more than \$300 from stock cases of the Seufert Hardware company at 1637 Grand avenue used a plank to go from a fire escape of an adjoining building at 1439 Grand avenue to the roof of the Seufert building.

A penthouse door on the Seufert building was then broken into and the thieves went down into the store and came out the same way.

### RECESS THE COURT HEARING.

Wagner Decision Causes Senate to Take Time Off.

WASHINGTON, April 12.—The senate judiciary committee quickly recessed its hearing on the Roosevelt court reorganization bill today when members learned the Supreme court was deciding constitutionality of the Wagner labor relations act. The court's decision, awaited for weeks, stirred interest among committeemen. The recess came while Texas Democrats' opponents of the President's plan were testifying it would undermine constitutional liberties and damage the party irreparably.

### APPROVES MARITIME BOARD.

WASHINGTON, April 12.—(A. P.)—The senate commerce committee unanimously recommended today the confirmation of the President's five appointments to the Federal Maritime commission.

To complete the above selections our Tiffin Room Coffee.

Daily Except Sunday

A few steps down—1108 Walnut

K. C.'s Leading Credit Jeweler.

10-Diamond Wedding Ring

A Paris styled streamlined street, with 10 brilliant diamonds. Channel white or yellow.

Your Credit Is Good

\$15.95

DIAMANT

6 E. 11th (On Petticoat)

Luce-Pack w

1000 MAIN. VI. 3222.

VACATION LUGG

Buy on our buy-away plan and to 1/2 new for summer travel.

NEED MONEY

We lend money on Jewelry, Real Estate, Automobiles, Diamonds, Watches, Stamps. We Buy Old

GATEWAY

SPECIAL

DINNER TONIGHT

Served with regular course

Grilled Halibut 71

And many other delicious variations

Arrange a seafood dinner party and enjoy a real treat.

Kansas City's only exclusive

SEAFOOD GRILL

215 EAST 15TH ST.

YOST'S FURNITURE CO.

1900-1901 MAIN

Convenient Payments—NO INTEREST

(Respondent's Exhibit 38.)



(Respondent's Exhibit 41.)

*Respondent to**Ex 41**Recd = 8/24/42***The Union****To The****Donnelly  
Garment  
Company**

NATIONAL LABOR RELATIONS BOARD.

CASE NO. C-1392

BOARD

PETITIONER  
RESPONDENT  
INTERVIEW NO.EXHIBIT NO. *44*

IN THE MATTER OF

DATE *8-28-42*

WITNESS

DANIEL W. ROSS, OFFICIAL REPORTER

BY *Scott**Donnelly Garment Co.  
et al.**Worth*

COPY

March 9, 1937

Donnelly Garment Company,  
1828 Walnut Street,  
Kansas City, Missouri.

Gentlemen:

The Kansas City members of the International Ladies' Garment Workers' Union feel compelled to place before you the following grievances that should be adjusted immediately.

Fifteen members of our Union were discharged by your firm because of their affiliations with our organization. Their case was up before the National Labor Relations Board. During the period the hearings took place the NRA was declared unconstitutional by the Supreme Court of the United States and the Government could proceed no further. The discharged workers have not as yet been returned to work by your firm.

The Dress Industry, in which your firm is engaged, is highly unionized throughout the country. Every producer of dresses is in contractual relations with our Union. The 150,000 workers employed in this industry are enjoying a 5-day, 35-hour working week and a \$22.05 per week minimum wage scale for operators and reasonable, fair minimum scales for finishers, pressers, cutters, et cetera. Piece workers, who compose the majority of workers in your shop as well as in the industry, are enjoying the right, through committees selected by them, of having an equal voice with the management in each shop in determining the piece rates for each garment or operation of a garment.

The workers in the industry enjoy the freedom and right of organization. Collective bargaining has been established as a permanent institution. These are the conditions and wage scales in the industry.

In your shop the minimum wage scale for operators is between \$12.50 and \$15.00 per week.

The wage scales for finishers, pressers and cutters are at least 30% lower than those that exist in the industry.

The hours of work in your shop are from 40 to 50 per week.

Your workers are denied the right of joining a labor organization, and those who do, are immediately discharged. Your workers are denied the privileges of genuine collective bargain-

the piece rates should be as they are set exclusively by representatives of your firm.

The conditions and wages under which your employees are working not only deprives them of the privileges and opportunities enjoyed by the workers in this industry, but endangers their general work standards and wage scales. Your firm has undue and unjustified advantages over your competitors. The Union believes in "Fair Competition," but it does not consider competition fair when it is gained solely at the expense of the workers.

Under your system of production workers are compelled to invest extraordinary effort, but the reward that follows is very meager in proportion to the efforts invested. Under modern methods of production such treatment of workers is not only wrong from the humane point of view, but also destructive from the economical point of view. In comparison with other shops in the industry which produce the same type of garment the production in your shop is about 30% higher while the earnings of the workers are about 30% lower.

We, therefore, believe that a conference between our Union and your firm, for an adjustment of these grievances, should take place immediately. The Union has named a committee which stands ready to meet a similar committee named by your firm.

May we respectfully request that you advise us before the end of this week as to when and where it would be convenient for you to meet our Conference Committee.

Our aim is industrial peace. We believe in intelligent co-operation between employer and employee. Such co-operation is essential to the welfare of all factors in industry, including the consuming public and community at large. Peace and harmony prevails in the major part of the Dress Industry and we are eager to extend this co-operation to include your firm. Let us join hands to avoid industrial conflict.

Respectfully yours,

Kansas City Joint Board

INTERNATIONAL LADIES GARMENT  
WORKERS UNION.

By Wave Tobin, Manager

MP Approved by: Maxey Perlstein, Regional Director

REC 8/25/4  
GARMET WORKERS' DRIVE.

Funds Set Aside for Unionization  
of Entire Industry.

(By the Associated Press.)

WASHINGTON, Nov. 9.—An immediate nation-wide drive to unionize an estimated 90,000 unorganized clothing workers was ordered today by the executive board of the International Ladies' Garment Workers' Union.

In deciding on a vigorous effort to extend its influence into new fields, the board voted an appropriation of 1/4 million dollars and pledged "all its material resources." David Dubinsky, president of the union, was authorized to utilize his entire present staff in the drive and to employ fifty additional organizers.

Deferred until tomorrow was consideration by the board of its future relationship with John L. Lewis's committee for industrial organization.

Dubinsky said the ladies' garment workers now has a membership of 220,000 and about 4 million dollars in its treasury. About \$150,000 was spent in helping finance President Roosevelt's campaign for re-election.

He said the organization drive would open with establishment of offices in St. Louis, Kansas City, Pennsylvania and Upper New York.

Dubinsky asserted the St. Louis office would have sufficed for Missouri except that the union "wants to give Jim Reed a break." He explained that the wife of James A. Reed, former Democratic senator from Missouri who supported Governor Landon in the campaign this year, is the founder and principal stockholder of a factory in Kansas City.

The Kansas City office of the drive will concentrate on unionizing employees in the Donnelly Garment Company, which Dubinsky says is largely owned by Mrs. Reed.

C-1382  
8-25-42  
Donnel  
Scott